

APPLICATION FOR PMG LISTING CRITERIA

A listing criteria will be developed when one of the following situations applies:

- There are no code-referenced standards available.
- There is a nationally recognized standard for the product, but more detail is needed to address permitted uses of the product.

APPLICANT NAME: _____

COMPANY'S CONTACT (if different from the applicant): _____

COMPANY NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP/COUNTRY (if other than USA): _____

TELEPHONE: _____ **FAX:** _____

E-MAIL: _____ **COMPANY WEB SITE:** _____

Please include the appropriate fee (check, money order, credit card or wire transfer in U.S. dollars) with this application and mail to 5360 Workman Mill Road, Whittier, CA 90601.

- New listing criteria, \$3,000**
- Technical revision to listing criteria, \$2,000. Listing criteria number:** _____
- Non-technical revision to listing criteria, \$1,000. Listing criteria number:** _____

ITEM DESCRIPTION/FUNCTION *(Submit samples, photo, literature and any other information that might help the Product Listing Committee to understand the nature of the item for the development of the listing criteria):*

- a. Applicant acknowledges reviewing applicable ICC-ES Fee Schedule and Rules of Procedure. Applicant also agrees that ICC-ES may, as necessary, subcontract for work related to the listing criteria process.
- b. In consideration of the processing of this application, the applicant agrees to abide by any conditions attached to the approval of this application, the requirements of the applicable standards and codes, and the Rules of Procedure of ICC Evaluation Service, LLC, as they now exist and as they may be reasonably modified in the future.
- c. The applicant agrees to keep a record of all significant complaints made known to the applicant about the product(s) covered by the listing criteria, and to make these records available to ICC-ES upon request. The applicant will take appropriate action with respect to such complaints, and document the actions taken.
- d. An ICC-ES listing criteria does not imply any guarantee or warranty (expressed or implied, and including but not limited to merchantability) by ICC-ES against defects or failures in service nor any responsibility in regard to patent or trademark infringement, misuse of trade name or trade secrets, or any other aspect of unfair competition. Affirmative actions of ICC-ES are based primarily on the data submitted by the applicant and/or listee and the validity and integrity thereof as implicitly represented by the applicant and/or listee in submitting the same. Applicant agrees that it shall have no cause of action or claim against ICC-ES or its parent corporation, the International Code Council, Inc., or the officers, directors, members and employees of either entity from time to time arising out of any criteria issued pursuant to this application, whether or not such criteria is subject to conditions, or out of any denial of this

application. Applicant agrees to hold ICC-ES, its parent corporation, the International Code Council, Inc., or any of their affiliates, parent, brother or sister corporations or their successor-in-interest or assigns, and the officers, directors, members, and employees of such entities ("ICC" collectively throughout this paragraph) harmless, and to defend and indemnify them, with respect to any claim, liability, action or judgment arising from the use or operation by any person of the product or service to which the application relates, actual or asserted, whether related to the matters set forth in the first sentence of this paragraph or otherwise, whether for personal injury, wrongful death, property damage, or any type of injury or damage whatsoever, whether or not of the same kind or nature as any of the foregoing. ICC's rights pursuant to the foregoing sentence, and applicant's obligations thereunder, shall apply whether or not it is claimed that ICC was concurrently negligent with others, solely negligent, actively or passively negligent, and whether or not the legal theory of the claimant(s) is on one of the foregoing grounds or some other. California law shall apply to the interpretation hereof. If any part or portion of this paragraph, or any application thereof to particular facts, should be determined invalid, the provisions hereof shall be severable so as to achieve for ICC the maximum legal protection. If this application is for a renewal of an existing criteria, the provisions of this paragraph shall apply from the date of first granting of that criteria, whether upon application or without application by applicant or a predecessor and regardless of: intervening modifications to said criteria or modifications pursuant to application for renewal; any prior change in the number assigned to the criteria, and any prior change in ownership rights in or rights to said criteria, or any additional listing included in the criteria, whether one or more, since granting of said first additional criteria.

Authorized Signature for Applicant, and Date

Name/Title (type or print)

Phone/Fax

E-mail

Updated August 5, 2010

For ICC-ES Internal Use:

File No.:

If this application is to revise an existing listing criteria, write the name of companies that might be affected by the proposal:

Application reviewed by: