

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-176-26
Relating to Exemptions Under Section 27156
Of the Vehicle Code

Dinan Engineering, Inc.
Performance Software

Pursuant to the authority vested in the Air Resources Board by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Section 39515 and Section 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED; That the installation of the Performance Software, manufactured and marketed by Dinan Engineering, Inc., 865 Jarvis Drive, Morgan Hill, CA 95037, has been found not to reduce the effectiveness of the applicable vehicle pollution control system and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on 2000 through 2003 model year BMW vehicles as described in the Exhibit A, **excluding 2003 model year 325 and 330 models with the following engine test groups, 3BMXV03.0UL2 and 3BMXV02.5M56.**

The Performance Software is designed to enhance vehicle performance by altering air-fuel ratio, ignition timing, camshaft timing, engine rpm limit, governed vehicle speed, and throttle response (vehicles with electronically controlled throttles) under high engine load and speed conditions. Vehicles can only be programmed using Dinan's Mobile Instant Power Programmer (MIPP) at authorized Dinan dealers. The MIPP senses the vehicle specification and selects the correct program for that vehicle.

This Executive Order is valid provided that the installation instructions for the Performance Software will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order shall not apply to any Performance Software advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with the transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the Performance Software, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the Performance Software using any identification other than that shown in this Executive Order or marketing of the Performance Software for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of the system shall not be construed

as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

This Executive Order does not constitute any opinion as to the effect that the use of the Performance Software may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on prior evaluation which determined that Dinan Engineering, Inc.'s Performance Software does not cause an adverse effect on emissions of selected passenger cars (D-176-20), nor does it affect the vehicles' ability to perform On-Board Diagnostic II (OBD II) system monitoring. The same effect on emissions and OBD II system monitoring is expected on the vehicles listed in this Executive Order.

The ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF ANY CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF DINAN ENGINEERING'S PERFORMANCE SOFTWARE.

No claim of any kind, such as "Approved by the Air Resources Board", may be made with respect to the action taken herein in any advertising of other oral or written communication.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a ten-day written notice of intention to revoke the order, in which period the holder of the order may request in writing a hearing to contest the proposed revocation. If a hearing is requested, it shall be held within ten days of receipt of the request and the order may not be revoked until a determination is made, after the hearing, that grounds for revocation exist.

Executed at El.Monte, California, this 17TH day of May 2004.



Allen Lyons, Chief
Mobile Source Operations Division

Exhibit A

Model	Model Years	Engine Size	Part Number
325i, 325ci*	2001-2003	2.5L	D900-263
			D903-2632
			D903-2633
325xi*	2001-2003	2.5L	D900-263X
			D903-263X2
			D903-263X3
330i, 330ci*	2001-2003	3.0L	D900-303
			D903-3032
			D903-3033
330xi*	2001-2003	3.0L	D900-303X
			D903-303X2
			D903-303X3
M3	2001-2003	3.2L	D900-34M
			D903-34M2
			D903-34M3
			D903-34M4
Z3 2.5i	2001-2002	2.5L	D900-26Z
			D903-26Z2
			D903-26Z3
Z3 3.0i	2001-2002	3.0L	D900-30Z
			D903-30Z2
			D903-30Z3
M Roadster	2001-2002	3.2L	D900-34Z
			D903-34Z2
			D903-34Z3
			D903-34Z4
M Coupe	2001-2002	3.2L	D900-34Z
			D903-34Z2
			D903-34Z3
			D903-34Z4

*Excluding 2003 model year 325 and 330 models with the following engine test groups, 3BMXV03.0UL2 and 3BMXV02.5M56.

Exhibit A

Model	Model Years	Engine Size	Part Number
540i	1999-2003	4.4L	D900-445TU D903-445TU2 D903-445TU3 D903-445TU4 D903-445TU5
540i	1996-1998	4.4L	D903-4454
525i	2001-2003	2.5L	D900-265 D903-2652 D903-2653
530i	2001-2003	3.0L	D900-305 D903-3052 D903-3053
M5	2000-2003	5.0L	D900-50M D903-50M2 D903-50M3 D903-50M4 D903-50M5
740i, 740iL	1996-1998	4.4L	D903-4474
740i, 740iL	1999-2002	4.4L	D900-447TU D903-447TU2 D903-447TU3 D903-447TU4 D903-447TU5
X5 4.4i	2000-2002	4.4L	D900-44X D903-44X3A D903-44X3A D903-44X4 D903-44X5
X5 3.0i	2001-2003	3.0L	D900-30X D903-30X2 D903-30X3

Exhibit A

Model	Model Years	Engine Size	Part Number
X5 4.6i	2002-2003	4.6L	D900-46X D903-46X3 D903-46X3A D903-46X4
Z8	2000-2002	5.0L	D900-50Z D903-50Z3 D903-50Z4 D903-50Z5