

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-5  
Relating to Exemptions Under Section 27156  
of the Vehicle Code

HYPERTECH, INC.  
PROM CHIPS

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-45-9;

IT IS ORDERED AND RESOLVED: That the installation of the Street Runner Power Chips, Thermo Master Power Chips and Power Modules marketed by Hypertech, Inc., 1910 Thomas Road, Memphis, Tennessee 38134 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 the following 1995 model-year vehicle applications:

<u>Part No.</u>	<u>Application</u>
851351	GM C/K 15-25 4.3L TBI Auto w/OD Stock Thermostat
851352	GM C/K 15-25 4.3L TBI Auto w/OD 160 Degree Thermostat
851551	GM C 15-25 5.0L TBI Auto w/OD Stock Thermostat
851552	GM C 15-25 5.0L TBI Auto w/OD 160 Degree Thermostat
851571	GM K 15-25 5.0L TBI Auto w/OD Stock Thermostat
851572	GM K 15-25 5.0L TBI Auto w/OD 160 Degree Thermostat
851771	GM K 15-25 5.7L TBI Auto w/OD Stock Thermostat
851772	GM K 15-25 5.7L TBI Auto w/OD 160 Degree Thermostat
557051	Ford E Van 5.0L Auto E/OD Trans. Code U
555911	Ford Explorer 4.0L Auto
555981	Ford Explorer 4.0L Manual 5-Spd
555981	Ford Explorer 4.0L Auto w/OD (4x4)
555991	Ford Explorer 4.0L Manual 5-Spd (4x4)
550051	Ford 150-250/Bronco 5.0L Auto E/OD Trans. Code U
550031	Ford 150-250/Bronco 5.0L Auto E/OD Trans. Code E

This Executive Order is valid provided that the installation instructions for the Street Runner Power Chips, Thermo Master Power Chips and Power Modules will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the Street Runner Power Chips, Thermo Master Power Chips and Power Modules, 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 Street Runner Power Chips, Thermo Master Power Chips and Power Modules using any identification other than that shown in this Executive Order or marketing of the Street Runner Power Chips, Thermo Master Power Chips and Power Modules 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 Prom Chips 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 the use of the Street Runner Power Chips, Thermo Master Power Chips and Power Modules may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on Cold-Start CVS-75 emissions data. Test data showed that the Hypertech Prom Chips did not affect the emissions of the vehicle. However, the ARB finds that reasonable grounds exist to believe that use of the Hypertech programmer may adversely affect emissions of motor vehicles when operating under conditions outside the parameters of the previously prescribed test procedures. Accordingly, the ARB reserves the right to conduct additional emission tests, in the future, as such tests are developed, that will more adequately measure emissions from all cycle phases. If such test results demonstrate that the Street Runner Power Chips, Thermo Master Power Chips and Power Modules adversely affects emissions during off-cycle conditions (defined as those conditions which are beyond the parameters of the Cold-Start CVS-75 Federal Test Procedure), this Executive Order shall be effectively rescinded as of the date the test results are validated. Further, if such test results or other evidence provides the ARB with reason to suspect that the supercharger will affect the durability of the emission control systems, Hypertech shall be required to submit durability data to show that the durability of the vehicle emission control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

In addition to the foregoing, 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 HYPERTECH, INC.'S PROM CHIPS.

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 or 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 after hearing that grounds for revocation exist.

Executed at El Monte, California, this 11<sup>th</sup> day of December 1996.

  
R. B. Summerfield, Chief  
Mobile Source Operations Division