

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-7  
Relating to Exemptions Under Section 27156  
of the Vehicle Code

HYPERTECH, INC.  
POWER PROGRAMMER PLUS

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 Power Programmer 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 General Motors and Ford vehicles listed in Exhibit A.

This Executive Order is valid provided that the installation instructions for the Power Programmer 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 Power Programmer, 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 Power Programmer using any identification other than that shown in this Executive Order or marketing of the Power Programmer 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 Power Programmer 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 Power Programmer 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 Power Programmer 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 Power Programmer 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 device 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.

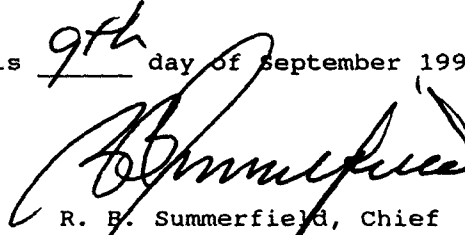
In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

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 POWER PROGRAMMER PLUS.

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 9<sup>th</sup> day of September 1997.



R. B. Summerfield, Chief  
Mobile Source Operations Division

### Power Programmer Plus

	<i>Year</i>	<i>Part Number</i>	<i>Vehicle</i>	<i>Displacement</i>	<i>Transmission</i>	<i>Other</i>
<b>GM Trucks</b>						
	1996	360202	Vortec trucks, SUV's, buses, vans	4.3, 5.0, 5.7, 7.4 Liter	Auto/Man	2wd and 4wd
	1997	370202	Vortec trucks, SUVs, buses, vans	4.3, 5.0, 5.7, 7.4 Liter	Auto/Man	2wd and 4wd
<b>GM Cars</b>						
	1997	375752	F-car	5.7 Liter	Auto/Man	
	✓ 1996	365752	F-car	5.7 Liter	Auto/Man	
	✓ 1996	369752	B-car - Caprice, Impala, Roadmaster	5.7 Liter	Auto	
	✓ 1996	365762	Y-car	5.7 Liter - LT1	Auto	
	✓ 1996	365652	Y-car	5.7 Liter - LT4	Man	
	✓ 1994	340752	F-car	5.7 Liter	Auto/Man	
	✓ *	345752	* 95 F-car, 94 Y-car, 95 Y-car	5.7 Liter	Auto/Man	
	✓ 1994&95	349752	B-car - Caprice, Impala, Roadmaster	5.7 Liter	Auto	

EXHIBIT A