

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-9  
Relating to Exemptions Under Section 27156  
of the Vehicle Code

HYPERTECH, INC.  
Performance 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 Performance Chips, manufactured and marketed by Hypertech, Inc., 1910 Thomas Road, Memphis, Tennessee 38134-6315 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 vehicle applications:

<u>Part No.</u>	<u>Vehicle Application</u>	<u>Engine Disp.</u>	<u>Model-Year</u>
153511	GM Typhoon trucks (CAL)	4.3.	1993
153512	GM Typhoon trucks (FED)	4.3.	1993

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

The Performance Chips are designed to enhance the vehicle's performance at wide open throttle conditions by increasing fuel delivery and timing.

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

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

Marketing of the Performance Chips using any identification other than that shown in this Executive Order or marketing of the Performance Chips 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 Performance 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 Performance Chips may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on prior submitted emissions test data. Test results showed that tailpipe emissions with the Performance Chip installed on various vehicles met their applicable emission standard during a Cold Start CVS-75 Federal Test Procedure.

The ARB finds that reasonable grounds exist to believe that use of the Performance Chips 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 Performance Chips adversely affect 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 Performance Chips will affect the durability of the emission control system, Hypertech, Inc. 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.

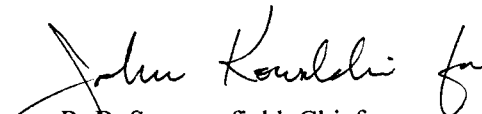
In addition to the foregoing, the ARB reserves the right in the future to review this Executive Order and the exemption provided herein to assure that the exempted add-on or modified part continues to meet the standards and procedures of Title 13, California Code of Regulations, Section 2222, et seq.

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 PERFORMANCE 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 29<sup>th</sup> day of July 1999.

  
R. B. Summerfield, Chief  
Mobile Source Operations Division