

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-744-1

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Burger Motorsports, LLC
F30 N55 Stage 1 Tuner

Pursuant to the authority vested in the Air Resources Board (ARB) by Section 27156 of the Vehicle Code (VC); 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-14-012;

IT IS ORDERED AND RESOLVED: That installation of the F30 N55 Stage 1 Tuner, part number F30-N55-STG1, produced and marketed by Burger Motorsports, LLC of 2235 First Street Suite 122, Simi Valley, California 93065, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for the 2013 BMW 335i sedan model equipped with a 3.0 liter turbocharged engine.

The F30 N55 Stage 1 Tuner is a tuning device installed on the manifold absolute pressure (MAP) sensor connector and temperature manifold absolute pressure (TMAP) sensor connector. The F30 N55 Stage 1 Tuner is designed to modify the engine operating parameters.

This Executive Order is valid provided that installation instructions for the F30 N55 Stage 1 Tuner 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 F30 N55 Stage 1 Tuner, as exempt by the ARB, 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 F30 N55 Stage 1 Tuner advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the F30 N55 Stage 1 Tuner using any identification other than that shown in this Executive Order or marketing of the F30 N55 Stage 1 Tuner for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the ARB.

This Executive Order does not constitute any opinion as to the effect the use of the F30 N55 Stage 1 Tuner may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emission test results in the modified configuration using the Federal Test Procedure (FTP) and Supplemental Federal Test Procedure (US06 and SC03), and an examination of the On-Board Diagnostic II (OBD II) system. A 2013 BMW 335i with a 3.0 liter turbocharged engine (DBMXJ03.0N55, LEV-II ULEV) was used for the evaluation of the F30 N55 Stage 1 Tuner. Results from emissions testing conducted at California Environmental Engineering of Santa Ana, California are shown below (in grams per mile):

2013 BMW 335i 3.0 liter turbocharged

FTP	50,000 mi.	NMOG	CO	NOx	HCHO
	Emission Level (DF applied)				
	STD	0.022	0.8	0.02	0.000
	120,000 mi.	0.040	1.7	0.05	0.008
	Emission Level (DF applied)	0.030	1.4	0.02	0.000
	STD	0.055	2.1	0.07	0.011
US06		NMHC + NOx	CO		
	Emission Level	0.02	0.7		
	STD	0.14	8.0		
SC03					
	Emission Level	0.01	0.1		
	STD	0.20	2.7		

Emission test results in the modified configuration were below the applicable certification standards. Examination of the OBD II system showed the F30 N55 Stage 1 Tuner does not affect OBD II operation. Therefore, based on the test results, the staff concludes that the F30 N55 Stage 1 Tuner meets the criteria for exempting general criteria parts.

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. Further, if test results or other evidence provides the ARB with reason to suspect that the F30 N55 Stage 1 Tuner will affect the durability of emission control systems, Burger Motorsports, LLC shall be required to submit durability data to show that the durability of vehicle emission control systems are not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

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 THE BURGER MOTORSPORTS, LLC F30 N55 STAGE 1 TUNER.

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 is made after the hearing that grounds for revocation exist.

Executed at El Monte, California, this 13 day of November 2015.

A handwritten signature in black ink, appearing to read "Annette Hebert". The signature is fluid and cursive, with a large initial "A" and "H".

Annette Hebert, Chief
Emissions Compliance, Automotive Regulations and Science Division