State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-174-5
Relating to Exemptions Under Section 27156
of the Vehicle Code

THE MAGNETIZER GROUP, INC.
"FUEL ENERGIZER" MODEL AFE-1

WHEREAS, Vehicle Code Section 27156 and Title 13 California Code of Regulations (hereafter "CCR") Section 2222(e), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified parts from the prohibitions of Vehicle Code Section 27156.

WHEREAS, The Magnetizer Group, Inc. of 1000 Point Pleasant Pike, Gardenville, Pennsylvania 18926, has applied to the ARB for exemption from the prohibitions of Vehicle Code Section 27156 for the "Fuel Energizer" Model AFE-1.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Division by Health and Safety Code Section 39516 and Executive Order G-45-5, the Air Resources Board finds:

1. The "Fuel Energizer" Model AFE-1 is an add-on device that is attached to the fuel line in a motor vehicle.

2. The fuel line is part of the required motor vehicle pollution control system.

3. The "Fuel Energizer" Model AFE-1 is intended for use with a required pollution control system.

4. The "Fuel Energizer" Model AFE-1 by being installed on the fuel line alters the original design of a motor vehicle pollution control system.

5. The "Fuel Energizer" Model AFE-1 is a device subject to the prohibitions of Vehicle Code Section 27156 and an add-on part as defined by 13 CCR Section 1900(b)(1).

6. The "Fuel Energizer" Model AFE-1 does not reduce the effectiveness of any required motor vehicle pollution control device.

7. The ARB, in the exercise of technical judgement, is aware of no basis on which the "Fuel Energizer" Model AFE-1 will provide either a decrease in emission or an increase in fuel economy.

8. It has not been determined what effect use of the "Fuel Energizer" Model AFE-1 may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.

9. The "Fuel Energizer" Model AFE-1 is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.

10. The ARB by granting an exemption to The Magnetizer Group, Inc. for the "Fuel Energizer" Model AFE-1 does not recommend or endorse in any way the "Fuel Energizer" Model AFE-1 for emissions reduction, fuel economy, or any other purpose.

IT IS HEREBY RESOLVED that the "Fuel Energizer" Model AFE-1 is exempt from the prohibitions of Vehicle Code Section 27156 for installation on 1995 and older model-year gasoline and diesel powered vehicles subject to the following conditions:

1. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale or sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

2. No changes are permitted to the device as described in the application for exemption. Any changes to the device, applicable model year, or other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.

3. Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device for an application other than those listed in Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.

4. Any oral or written references to this Executive Order or its content by the The Magnetizer Group, Inc. its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any fuel economy or emissions reduction claims for the "Fuel Energizer" Model AFE-1 and is only a finding that the device is exempt from the prohibitions of Vehicle Code Section 27156.

5. 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.

Executive Order No. D-174-4 dated January 26, 1994, is hereby superseded and of no further force and effect.

Executed at El Monte, California, this 8th day of December, 1994.

R. B. Summerfield
Assistant Division Chief
Mobile Source Division