

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-228-1
Relating to Exemptions Under Section 27156
of the Vehicle Code

AUTOTHORITY PERFORMANCE ENGINEERING
PERFORMANCE SOFTWARE CHIPS

Pursuant to the authority vested in the Air Resources Board (ARB) by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Sections 39515 and 39516 of the Health and Safety Code and Executive Order G-45-5;

IT IS ORDERED AND RESOLVED: That the installation of the Performance Software Chips manufactured by AutoThORITY Performance Engineering of 3769-B Pickett Road, Fairfax, Virginia have been found not to reduce the effectiveness of required motor vehicle pollution control devices and, therefore, are exempt from the prohibitions of Section 27156 of the Vehicle Code for 1983 to 1992 Porsches, 1982 to 1993 BMWs, and 1990 to 1992 VW Corrados as listed in Exhibit A, which is attached hereto and incorporated herein.

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

Changes made to the design or operating conditions of the device, as exempted by the ARB, that adversely affect the performance of a vehicle's pollution control system shall invalidate this Executive Order.

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 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 this device may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on results from emissions tests conducted in accordance with Cold-Start CVS-75 Federal Test Procedure. However, the ARB finds that reasonable grounds exist to believe that use of the Performance Software 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 Software 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 Software Chips will affect the durability of the emission control system, AutoThORITY Performance Engineering 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 AUTOTHORITY PERFORMANCE ENGINEERING'S PERFORMANCE SOFTWARE 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.

Section 17500 of the Business and Professions Code makes untrue or misleading advertising unlawful, and Section 17534 makes violation punishable as a misdemeanor.

Section 43644 of the Health and Safety Code provides as follows:

"43644, (a) No person shall install, sell, offer for sale, or advertise, or, except in an application to the state board for certification of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been certified by the state board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this subdivision is a misdemeanor."

Any apparent violation of the conditions of this Executive Order may result in its rescission or submission to the Attorney General of California for such action as he deems advisable.

Executive Order D-228 is superseded and of no further force and effect.

The Bureau of Automotive Repair will be notified by copy of this order.

Executed at El Monte, California, this 11th day of May, 1993.

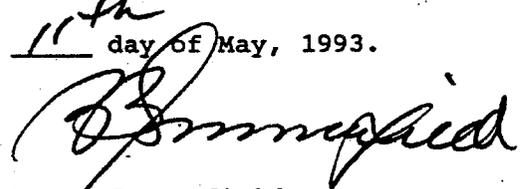

R. B. Summerfield
Assistant Division Chief
Mobile Source Division

Exhibit A

PORSCHE

<u>PART NUMBER</u>	<u>APPLICATION</u>
911.020.100.30	84 TO '87 911
911.020.200.30	88 & '89 911
928.020.100.30	85 & '86 928S 32 VALVE
928.020.200.30	87 TO '90 928S4
944.020.200.30	85/2 TO '87 944
944.020.300.30	88 944
944.020.350.30	'89 944
944.020.400.30	87 & '88 944S 16 VALVE
944.020.500.30	89 TO '91 944S2 3.0 L 16 VALVE
951.020.100.30	86 & '87 944 TURBO STAGE 1C
951.020.105.30	'86 & '87 944 TURBO STAGE 1 KIT
951.020.110.30	1988 944 TURBO STAGE 1C
951.020.115.30	1988 944 TURBO STAGE 1 KIT
951.020.130.30	1988 & 1989 944 TURBO S STAGE 1C
951.020.135.30	1988 & 1989 944 TURBO S STAGE 1 KIT
951.020.300.30	1988 & 1989 944 TURBO S STAGE 2 KIT
964.020.100.30	1989 TO 1992 CARRERA 2 & CARRERA 4

Exhibit A cont.

BMW AND VOLKSWAGEN CHIPS

BMW CHIPS

<u>PART NUMBER</u>	<u>APPLICATION</u>
12.14.1.240.100	'82 TO '84 325e/528e W/CONVERSION
12.14.1.250.100	'82 TO '87 325e/528e W/PLUG IN CHIP
12.14.1.255.200	'87 & '88 325i, iC, iS, iX W/ECU #153
12.14.1.259.200	'89 TO '91 325, ALL, 525i W/ECU #173
12.14.1.300.200	M3, ALL YEARS
12.14.1.350.200	'85 TO '88 535i, '85 TO '87 635, 735
12.14.1.355.200	1988 ONLY 635CSi AND 735i
12.14.1.355.210	1989 TO 1993 535i, 635CSi, 735i, 735i
12.14.1.400.200	'85 & '86 EUROPEAN M5, M6
12.14.1.500.200	'87 TO '89 M5, M6
12.14.1.550.200	1990 TO 1992 M5
VOLKSWAGEN CHIPS	
037.020.100A	1990 TO 1992 G60 CORRADO STAGE 1