

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-12

Relating to Exemptions Under Section 27156
of the Vehicle Code

Hypertech, Inc.
Power Programmer III

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-02-003;

IT IS ORDERED AND RESOLVED: That the installation of the Power Programmer III manufactured and marketed by Hypertech, Inc., 3215 Appling Road, Bartlett, Tennessee 38133 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 General Motors vehicles listed in Exhibit A, excluding the following test groups: 4GMXT06.0187 and 4GMXA06.0189.

The Power Programmer III is designed to reprogram the FLASH memory chip located in the vehicle's ECU module to enhance the vehicle's overall performance. The Power Programmer III may include either a 160 or 180 degree thermostat, as part of the kit.

This Executive Order shall not apply to any Hypertech, Inc.'s Power Programmer III that is advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

This Executive Order is valid provided that the installation instructions for the Power Programmer III 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 Power Programmer III, 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 III using any identification other than that shown in this Executive Order or marketing of the Power Programmer III 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 III 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 III may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on emissions test data generated on a 2003 Chevrolet Corvette Z06 certified to the Low-Emission Vehicle (LEV) emission standards. Emission levels of the modified vehicle, with a 160 degree thermostat, met the applicable emission standards over the Cold-Start CVS-75 Federal Test Procedure (FTP) and the Supplemental Federal Test Procedure (SFTP US06) test cycles. Results are in grams per mile with deterioration factors added to CVS-75 FTP results:

<u>Corvette Z06</u>	CVS-75				US06	
	NMOG	CO	NOx	HCHO	NMHC+NOx	CO
Standards	0.075	3.4	0.2	0.015	0.14	8.0
Device	0.070	1.6	0.05	0.001	0.12	1.5

This Executive Order is also based on an On-Board Diagnostic II (OBD II) test conducted on the same test vehicles. Test data showed that the Power Programmer III when installed on the vehicles did not affect the vehicle's ability to perform their OBD II monitoring.

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 III.

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 11th day of February 2004.



Allen Lyons, Chief
Mobile Source Operations Division

Exhibit A

<u>P/N</u>	<u>Model-Year</u>	<u>Applications</u>	<u>Engine Disp.</u>
30022	2004	Trucks/SUVs	4.3/4.8/5.3/6.0/8.1
30019	2003	Trucks/SUVs	4.3/4.8/5.3/6.0/8.1
30011	2001-03	Corvette Z06	5.7 LS6
30011	2001-03	Corvette	5.7 LS1
30012	2002	Trucks/SUVs	4.3/4.8/5.3/6.0/8.1
30015	2002	Camaro/Firebird	5.7 LS1
30009	2002	Camaro/Firebird	3.8L
30006	2001	Trucks/SUVs	4.8/5.3/6.0
30007	2001	Trucks/SUVs	8.1 EFI
30008	2001	Trucks/SUVs	4.3 EFI
30010	2001	Camaro/Firebird	5.7 LS1
30009	2001	Camaro/Firebird	3.8 EFI
30001	2000	Trucks/SUVs	4.3/5.7/7.4
30005	2000	Trucks/SUVs	4.8/5.3/6.0
390753	2000	Camaro/Firebird	5.7 LS1
395753	2000	Corvette	5.7 LS1
390202	1999	Trucks/SUVs	4.3/5.0/5.7/7.4
390302	1999	Trucks/SUVs	4.8/5.3/6.0
390752	1999	Camaro/Firebird	5.7 LS1
395752	1999	Corvette	5.7 LS1
380202	1998	Truck	4.3/5.0/5.7/7.4
380752	1998	Camaro/Firebird	5.7 LS1
385752	1998	Corvette	5.7 LS1
370202	1997	Truck	4.3/5.0/5.7/7.4

Exhibit A

<u>P/N</u>	<u>Model-Year</u>	<u>Applications</u>	<u>Engine Disp.</u>
375752	1997	Camaro/Firebird	5.7 LT1
375762	1997	Corvette	5.7 LS1
360202	1996	Truck	4.3/5.0/5.7/7.4
365652	1996	Corvette	5.7 LT4
365752	1996	Camaro/Firebird	5.7 LT1
365762	1996	Corvette	5.7 LT1
369752	1996	Impala SS	5.7 LT1
345752	1995	Camaro/Firebird	5.7 LT1
349752	1994-95	Impala SS	5.7 LT1
340752	1994	Camaro/Firebird	5.7 LT1