

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-21

Relating to Exemptions Under Section 27156  
of the California Vehicle Code

Hypertech, Inc.  
Max Energy Sport and Max Energy 2.0 Power Programmers

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-14-012;

IT IS ORDERED AND RESOLVED: That the installation of the Max Energy Sport and Max Energy 2.0 Power Programmers, manufactured and marketed by Hypertech, Inc., 3215 Appling Road, Bartlett, Tennessee 38133-3999, 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 following vehicles listed in Exhibit A.

The Max Energy Sport and Max Energy 2.0 Power Programmers are a hand held programmer designed to reprogram the engine and/or transmission control module to modify the operating parameters. Emission-related data files cannot be modified by the end user.

This Executive Order is valid provided that the installation instructions for the Max Energy Sport and Max Energy 2.0 Power Programmers 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 Max Energy Sport and Max Energy 2.0 Power Programmers, 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 Max Energy Sport and Max Energy 2.0 Power Programmers 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 Max Energy Sport and Max Energy 2.0 Power Programmers using any identification other than that shown in this Executive Order or marketing of the Max Energy Sport and Max Energy 2.0 Power Programmers for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

This Executive Order does not constitute any opinion as to the effect the use of the Max Energy Sport and Max Energy 2.0 Power Programmers may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on Cold-Start CVS-75 Federal Test Procedure test, Supplemental Federal Test Procedure US06 test, and OBD II system test conducted with the Hypertech programmers set at the highest horsepower gain (Executive Order D-260-14).

The Air Resources Board 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 THE MAX ENERGY SPORT AND MAX ENERGY 2.0 POWER PROGRAMMERS.

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 30<sup>TH</sup> day of June 2015.

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

## Exhibit A

<b>HONDA</b>				
Model	Engine	Year	Max Energy SPORT	Max Energy 2.0 CALIFORNIA EDITION
Civic DX/EX/LX	1.8L i-VTEC I4	2009-2006	62002	2100
Civic Si	2.0L DOHC i-VTEC I4	2009-2006	62002	2100
S2000	2.2L DOHC VTEC	2009-2006	62002	2100
<b>NISSAN</b>				
Model	Engine	Year	Part #	Part #
350Z	3.5L V6	2008-2007	62004	2100
		2006-2003	62004	2100
370Z	3.7L V6	2015-2009	62004	2100
<b>INFINITI</b>				
Model	Engine	Year	Part #	Part #
G35 Coupe	3.5L V6	2007-2003	62005	2100
G35 Sedan	3.5L V6	2008-2007	62005	2100
		2006-2005	62005	2100
		2004-2003	62005	2100
FX37	3.7L V6	2013	62005	2100
G37	3.7L V6	2015-2008	62005	2100
M37	3.7L V6	2013-2011	62005	2100
Q50	3.7L V6	2015	62005	2100
Q60	3.7L V6	2014	62005	2100
Q70	3.7L V6	2014	62005	2100
QX70	3.7L V6	2015	62005	2100
<b>MAZDA</b>				
Model	Engine	Year	Part #	Part #
RX8	1.3L Rotary Manual	2008	62003	2100
		2007-2004	62003	2100
	1.3L Rotary Auto	2008-2006	62003	2100
MX-5 Miata	2.0L I4	2010-2008	62003	2100
3s	2.3L I4	2009-2006	62003	2100
6i	2.3L I4	2008-2006	62003	2100
Mazdaspeed3	2.3L I4 Turbo	2013-2010	62003	2100
		2009-2007	62003	2100
Mazdaspeed6	2.3L I4 Turbo	2008-2006	62003	2100
<b>SUBARU</b>				
Model	Engine	Year	Part #	Part #
Impreza WRX	2.5L H4 Turbo	2014-2009	62007	2100

