State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-338-35

Relating to Exemptions Under Section 27156
of the Vehicle Code

Harley-Davidson
Performance Ignition Coils

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-45-9;

IT IS ORDERED AND RESOLVED: That the installation of the Performance Ignition Coils, P/Ns 31620-88A, 31653-97, and 31654-97, marketed and manufactured by the Harley-Davidson Motor Company, 3700 W. Juneau Avenue, P.O. Box 653, Milwaukee, Wisconsin 53201 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 all 1984-2002 Harley-Davidson motorcycles **excluding those motorcycle models with single fire ignition (EFI, XLS, and Twin-Cam models)**.

This Executive Order is valid provided that the installation instructions for the Performance Ignition Coils will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order shall not apply to any Harley-Davidson Motor Company Performance Ignition Coils advertised, offered for sale, sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the Performance Ignition Coils, 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 Performance Ignition Coils using any identification other than that shown in this Executive Order or marketing of the Performance Ignition Coils 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 Performance Ignition Coils 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 Performance Ignition Coils may have on any warranty either expressed or implied by the vehicle manufacturer.

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 exemption is issued based on information supplied by the Harley-Davidson Motor Company which demonstrates that the Performance Ignition Coils meet the requirements of compliance criteria for ignition system components as specified under the "Procedures for Exemption of Add-On and Modified Parts" and therefore, will not increase emissions.

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 HARLEY-DAVIDSON'S PERFORMANCE IGNITION COILS.

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.

Executive Orders D-338-31, dated January 2001, is superseded and of no further force and effect.

Executed at El Monte, California, this 10th day of October 2001.

R. B. Summerfield, Chief
Mobile Source Operations Division