State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-338-44

Relating to Exemptions Under Section 27156
of the Vehicle Code

Harley-Davidson Motor Company
Performance Ignition Modules

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 Performance Ignition Modules manufactured and marketed 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 the following 2004 model-year Harley-Davidson motorcycles:

Part No.	Engine Disp.	Model
31760-04	1450 cc	FXD
31763-04	1450 cc	FXST
31765-04	1450 cc	FLT
31784-04	883 cc	XL
31785-04	1200 cc	XL

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

This Executive Order shall not apply to any Performance Ignition Modules 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 Modules, 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 Modules using any identification other than that shown in this Executive Order or marketing of the Performance Ignition Modules 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 Modules 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 Modules may have on any warranty either expressed or implied by the vehicle manufacturer.

This exemption is issued based on an engineering evaluation and information supplied by the Harley-Davidson Motor Company which demonstrates that the Performance Ignition Module contains modifications made outside the parameters of the Cold Start CVS-75 Federal Test Procedure. However, the ARB finds that reasonable grounds exist to believe that use of the Performance Ignition Modules may adversely affect emissions of motorcycles 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 Ignition Module adversely affects 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 Ignition Modules will affect the durability of the emission control systems, the Harley-Davidson Motor Company shall be required to submit durability data to show that the durability of the motorcycle emission control system is not, in fact, affected and/or that the add-on or modified part demonstrates adequate durability.

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 MOTOR COMPANY'S PERFORMANCE IGNITION MODULES.

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.

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 7TH day of October 2003.

Allen Lyons, Chief
Mobile Source Operations Division