

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-338-63
Relating to Exemptions Under Section 27156
of the Vehicle Code

Harley-Davidson Motor Company
Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits

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 Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits, marketed and manufactured by the Harley-Davidson Motor Company, 3700 W. Juneau Avenue, Milwaukee, Wisconsin 53208 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 2001 through 2006 model year Harley-Davidson Touring, Softail and Dyna motorcycles originally equipped with the 1450cc fuel injected engine and 2007 and 2008 model year Harley-Davidson Touring, Softail and Dyna motorcycles originally equipped with the 1584cc fuel injected engine as listed in Exhibit A, which is attached hereto and incorporated herein.

The Screamin' Eagle Stage-1 Kits (29773-02C, 29406-08, and 29260-08), includes the following main components: Screamin' Eagle air filter and a new ECM calibration. The new ECM calibration is either a cartridge or a dealer downloaded file that requires the use of a scan tool for installation.

Screamin' Eagle Heavy Breather Kits (29253-08 and 29299-08), includes the following main components: Screamin' Eagle air filter and a new ECM calibration. The new ECM calibration is either a cartridge or a dealer downloaded file that requires the use of a scan tool for installation.

This Executive Order is granted based on emission test results submitted by Harley-Davidson in certifying their 2008 model year 1584cc (E.O. A-005-0139, engine family 8HDXC1.58AEB and E.O. A-005-0141, engine family 8HDXC1.68AED) as new motorcycles. The final configuration of the Screamin' Eagle Stage-1 Kit and Heavy Breather Kit installed on Harley-Davidson's motorcycles with a 1584cc fuel injected engine are the same as the new motorcycles certified under engine families 8HDXC1.58AEB and 8HDXC1.68AED. The certification emission results are shown below in grams per kilometer:

	HC+NO _x	CO
	(gm/km)	
2008 Standards, Engine Family 8HDXC1.58AEB	0.6	12
Certification Level	0.5	4

2008 Standards, Engine Family 8HDXC1.68AED	0.6	12
Certification Level	0.5	2

The same emission test results are expected on applicable Harley-Davidson motorcycles with either a Screamin' Eagle Stage-1 Kit or Heavy Breather Kit installed.

This Executive Order is valid provided that the installation instructions for the Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits will not recommend tuning the motorcycle to specifications different from those of the Harley-Davidson Motor Company.

This Executive Order shall not apply to any Harley-Davidson Motor Company Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits advertised, offered for sale, sold with, or installed on a motorcycle prior to an ultimate purchaser.

Changes made to the design or operating conditions of the Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits, as exempt by the Air Resources Board, which adversely affect the performance of the motorcycle's pollution control system shall invalidate this Executive Order.

Marketing of the Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits using any identification other than that shown in this Executive Order or marketing of the Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits 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 Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits 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 Screamin' Eagle Stage-1 Kits and Screamin' Eagle Heavy Breather Kits may have on any warranty either expressed or implied by the Harley-Davidson Motor Company.

In addition to the foregoing, 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 HARLEY-DAVIDSON MOTOR COMPANY'S SCREAMIN' EAGLE STAGE-1 KITS AND SCREAMIN' EAGLE HEAVY BREATHER KITS.

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 5 day of November 2007.



Annette Hebert, Chief
Mobile Source Operations Division

Exhibit A

<u>Year</u>	<u>Kit P/N</u>	<u>Calibration/Cartridge</u>	<u>Model</u>
Screamin' Eagle Stage-1 Kit			
2001-2004	29773-02C	32725-04A / 32957-04A	Softail (except FLSTSI)
2005	29773-02C	33269-05B / 32957-04B	Softail (except FLSTSCI)
2006	29773-02C	34363-06 / 34362-06	Softail (except FLSTSCI)
2007-2008	29773-02C	34454-07C / no cartridge	Softail (except FLSTSC)
2001-2003	29773-02C	32733-04A / 32959-04B	Softail (FLSTSI only)
2005	29773-02C	33273-05B / 32959-04C	Softail (FLSTSCI only)
2006	29773-02C	34365-06 / 34364-06	Softail (FLSTSCI only)
2007	29773-02C	34455-07B / no cartridge	Softail (FLSTSC only)
2002-2003	29773-02C	32848-02 / no cartridge	Touring (All)
2004	29773-02C	32733-04A / 32959-04B	Touring (All)
2005	29773-02C	33273-05B / 32959-04C	Touring (All)
2006	29773-02C	34365-06 / 34364-06	Touring (All)
2007	29773-02C	34455-07B / no cartridge	Touring (All)
2008	29260-08	34462-08A / no cartridge	Touring (All)
2006	29773-02C	34361-06 / 34360-06	Dyna (All)
2007-2008	29773-02C	34454-07C / no cartridge	Dyna (All)
2008	29406-08	34454-07C / no cartridge	Dyna (All)
Heavy Breather Kit			
2008	29253-08	34462-08A / no cartridge	Touring (All)
2008	29299-08	34454-07B / no cartridge	Softail (All) & Dyna (All)