State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-338-9
Relating to Exemptions Under Section 27156
of the Vehicle Code

HARLEY-DAVIDSON MOTOR COMPANY
SCREAMIN' EAGLE STAGE 1 KIT

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 Screamin' Eagle Stage 1 Kit, P/N 29386-95, manufactured and marketed by Harley-Davidson Motor Company, 3700 West 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 1995/96 Harley-Davidson motorcycles with a 1338 cc fuel injected engine.

The Screamin' Eagle Stage 1 Kit includes two main components: Air induction system (a flat backed air cleaner plate with a K&N air filter) and a new electronic control module.

This Executive Order is valid provided that the installation instructions for the Stage 1 Kit will not recommend tuning the motorcycles to specifications different from those of the motorcycle's original tune-up specifications.

Changes made to the design or operating conditions of the device, 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 Stage 1 Kit using any identification other than that shown in this Executive Order or marketing of the Stage 1 Kit 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 Stage 1 Kit 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 Stage 1 Kit may have on any warranty either expressed or implied by the motorcycle's manufacturer.

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 KIT.

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 after hearing that grounds for revocation exist.

Executed at El Monte, California, this 23rd day of October 1996.

R. B. Summerfield, Chief
Mobile Source Operations Division