State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-355-2
Relating to Exemptions Under Section 27156
of the Vehicle Code

S & S CYCLE, INC.
S & S SUPER E CARBURETOR 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 39516 of the Health and Safety Code and Executive Order G-45-5;

IT IS ORDERED AND RESOLVED: That the installation of the S & S Super E carburetor kit, manufactured by S & S Cycle, Inc. of Box 215, Route 2, Highway G, Viola, Wisconsin 54664, has been found not to reduce the effectiveness of required motor vehicle pollution control devices, and therefore is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on the following Harley Davidson motorcycles:

Kit Number	Application
11-0460	1979-1982 FL
11-0461	1983-1984 FL
11-0462	1984-1989 FL
11-0463	1990-1992 FL
11-0464	1993-1994 FL
11-0470	1979-1982 XL
11-0471	1983-1985 XL
11-0472	1986-1990 XL
11-0473	1991-1994 XL

This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale or sold with, or installed on, a motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

This Executive Order is valid provided that installation instructions for this device 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 device, as exempted by the Air Resources Board, that adversely affect the performance of a vehicle's pollution control system shall invalidate this Executive Order.

Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device 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 a kit shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.

This Executive Order does not constitute any opinion as to the effect that the use of this device may have on any warranty either expressed or implied by the vehicle 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 THE S & S SUPER E CARBURETOR 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 communications.

Section 17500 of the Business and Professions Code makes untrue or misleading advertising unlawful, and Section 17534 makes violation punishable as a misdemeanor.

Section 43644 of the Health and Safety Code provides as follows:

> "43644, (a) No person shall install, sell, offer for sale, or advertise or except in an application to the state board for certification of a device, represent, any device as a motor vehicle pollution control device for use on any used motor vehicle unless that device has been certified by the state board. No person shall sell, offer for sale, advertise, or represent any motor vehicle pollution control device as a certified device which, in fact, is not a certified device. Any violation of this subdivision is a misdemeanor."

Any apparent violation of the conditions of this Executive Order will be submitted to the Attorney General of California for such action as he deems advisable.

Executive Order D-355-1 dated May 17, 1994 is superseded and of no further force and effect.

Executed at El Monte, California, this 29th day of June, 1994.

R.B. Summerfield
Assistant Division Chief
Mobile Source Division