

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-437-1  
Relating to Exemptions Under Section 27156  
of the Vehicle Code

DKS TECHNOLOGIES, INC.  
"DKS FUEL STABILIZER SYSTEM"

WHEREAS, Vehicle Code Sections 27156 and 38391, and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(e), authorize the California Air Resources Board (ARB) and its Executive Officer to exempt add-on and modified aftermarket devices from the prohibitions of Vehicle Code Section 27156.

WHEREAS, DKS Technologies, Inc. of 2226 Northpoint Parkway, Santa Rosa, California 95407, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 for their DKS Fuel Stabilizer System, Models ES3700 and ACV3700, for installation on 1997 and older model-year vehicles powered by a diesel engine utilizing liquid coolant. Model ES3700 uses electronic temperature control valve, and Model ACV3700 uses mechanical temperature control valve.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-45-9, the ARB finds that the above add-on device complies with the California Vehicle Code Section 27156 and Title 13, California Code of Regulations. It was determined through engineering evaluation that the device will not reduce the effectiveness of the pollution control system of applicable vehicles.

It has not been determined what effect use of the DKS Fuel Stabilizer System may have on any warranty, either expressed or implied, by the manufacturer or a motor vehicle on which the device is installed.

IT IS HEREBY RESOLVED that the above DKS Fuel Stabilizer System is exempt from the prohibitions in Vehicle Code Section 27156 for installation on the approved application vehicles subject to the following conditions:

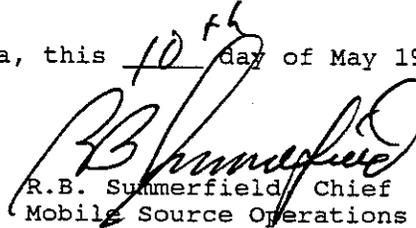
1. No changes are permitted to the DKS Fuel Stabilizer System device as described in the application for exemption. Any changes to the DKS Fuel Stabilizer System or any of its components, and other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
2. Marketing of the DKS Fuel Stabilizer System using identifications other than those shown in this Executive Order or marketing of the DKS Fuel Stabilizer System for application other than the one listed in this Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any components of the DKS Fuel Stabilizer System device as individual devices.
3. Any oral or written references to this Executive Order or its content by DKS Technologies, Inc., its principals, agents, employees, distributors, dealers, or other representatives must include the disclaimer that the Executive Order or the exemption it provides is not an endorsement or approval of any emissions reduction claims for the DKS Fuel Stabilizer System and is only a finding that the DKS Fuel Stabilizer System is exempt from the prohibitions of Vehicle Code Section 27156.
4. Should the installation of the DKS Fuel Stabilizer System on applicable vehicles be determined to result in unacceptable emission increase or cause adverse effect on pollution control systems of the vehicles, the ARB may require DKS Fuel Stabilizer System to conduct specific tests in order to determine the levels of emissions increase. Should such tests show excessive emission increase, DKS Technologies, Inc. may be required to cease and desist from marketing the device in California, and this exemption may be rescinded, in accordance with established procedures.

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 DKS FUEL STABILIZER SYSTEM.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after ten day written notice of intention to revoke it, during 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 Order No. D-437 dated August 14, 1997, is hereby superseded and of no further force and effect.

Executed at El Monte, California, this 10<sup>th</sup> day of May 1999.

  
R.B. Summerfield, Chief  
Mobile Source Operations Division