State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-461-5

Relating to Exemptions under
Section 27156 of the Vehicle Code

Independent Mobility Systems, Inc.
Replacement Fuel Tank System

Pursuant to the authority vested in the Air Resources Board (ARB) by Section 27156 of the Vehicle Code; and

Pursuant to the authority vested in the undersigned by Sections 39515 and 39516 of the Health and Safety Code and Executive Order G-02-003;

IT IS ORDERED AND RESOLVED: That the installation of the Replacement Fuel Tank System manufactured by Independent Mobility Systems, Inc. (IMS) of 4100 W. Piedras Street, Farmington, New Mexico 87401 has been found not to reduce the effectiveness of the applicable vehicle pollution control system, and therefore, the Replacement Fuel Tank System is exempt from the prohibitions in Section 27156 of the Vehicle Code for installation on 2001-2004 model-year DaimlerChrysler 3.3 and 3.8 liter minivans, originally equipped with a 20-gallon plastic fuel tank.

This Executive Order is based on fuel tank temperature, On-Board Refueling Vapor Recovery emissions, and On-Board Diagnostic II (OBD II) System testing. Test results showed that IMS's Replacement Fuel Tank System does not have any adverse effect on the vehicle's evaporative or refueling emissions or its OBD II System.

Exemption of the Replacement Fuel Tank System shall not be construed as an exemption to sell, offer for sale, or advertise any component of the system as individual devices.

This Executive Order shall not apply to any device advertised, offered for sale, 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 the Replacement Fuel Tank System do not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

Changes made to the design or operating conditions of the Replacement Fuel Tank System, as exempt by the ARB, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the Replacement Fuel Tank System using an identification other than that shown in this Executive Order or for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the ARB.

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.

This Executive Order does not constitute any opinion as to the effect the use of the Replacement Fuel Tank System may have on any warranty either expressed or implied by the vehicle manufacturer.

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.

THIS EXECUTIVE ORDER DOES NOT CONSTITUTE A CERTIFICATION, ACCREDITATION, APPROVAL, OR ANY OTHER TYPE OF ENDORSEMENT BY THE AIR RESOURCES BOARD OF CLAIMS OF THE APPLICANT CONCERNING ANTI-POLLUTION BENEFITS OR ANY ALLEGED BENEFITS OF INDEPENDENT MOBILITY SYSTEMS, INC.'S REPLACEMENT FUEL TANK SYSTEM.

Violation of any of the above conditions shall be grounds for revocation of this Executive Order. The Executive Order may be revoked only after a ten-day written notice of intention to revoke the Executive Order, in which period the holder of the Executive 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 Executive Order may not be revoked until a determination is made after a hearing that grounds for revocation exist.

Executed at El Monte, California, this 13TH day of April 2004.

Allen Lyons, Chief
Mobile Source Operations Division