State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-70-31
Relating to Exemptions Under Section 27156
of the Vehicle Code

MALLORY, INC.
POWER CELL
MODEL 611

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-45-5;

IT IS ORDERED AND RESOLVED: That the installation of the Power Cell, model 611, manufactured by Mallory, Inc., 550 Mallory Way, Carson City, Nevada 89701, 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 vehicles equipped with non-computer original equipment Delco HEI, Ford Duraspark, and Chrysler/Mopar Performance Electronic Ignition systems.

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 system 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 exemption to sell, offer for sale, or advertise any component of a kit 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 MALLORY, INC.'S POWER CELL, MODEL 611.

This Executive Order shall, without further action by the Executive Officer, cease to be in effect at such time when the new On-Board Diagnostic system (OBD II) is listed as an emission control component of the applicable vehicles, unless prior thereto the manufacturer applies for and obtains from the Executive Officer, an appropriate amendment to this Order or a new Executive Order, based upon a showing that its system will not affect the proper operation of the vehicle manufacturer's OBD II On-Board Diagnostic system or cause a fault code to be erroneously stored and/or the malfunction indicator light to become illuminated.

No claims 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.

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 violations 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.

Executed at El Monte, California, this 23rd day of August, 1993.

R. B. Summerfield
Assistant Division Chief
Mobile Source Division