

State of California  
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-19

Relating to Exemptions Under Section 27156  
of the California Vehicle Code

Hypertech, Inc.

Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC

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-14-012;

IT IS ORDERED AND RESOLVED: That the installation of the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC, manufactured and marketed by Hypertech, Inc., 3215 Appling Road Bartlett, Tennessee 38133-3999, has been found not to reduce the effectiveness of the applicable vehicle pollution control systems and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for 2008 to 2010 model year Ford vehicles with a 6.4L diesel engine.

The Max Energy (P/N 42501), Max Energy 2.0 (P/N 2100), Max Energy ECON (P/N 43501), Tow Master Junior (P/N 44505), and HyperPAC (P/N 84008) are devices designed to reprogram the engine and/or transmission control module to modify the operating parameters. The Max Energy and Max Energy ECON are handheld programmers. The Tow Master Junior and HyperPAC are the same as the hand held programmers, with the addition of a dash mount display for engine operating parameters. Downloaded calibration is active with or without the dash mount display. The Tow Master Junior and HyperPAC use the OBD II port to obtain engine operating parameters for display. **The Tow Master Jr. and HyperPAC display feature may be unplugged from the OBD II port during the Smog Check Inspection program in California to allow communication of all required emission related messages between the vehicle's OBD II system and the scan tool.**

This Executive Order is valid provided that the installation instructions for the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC will not recommend tuning the vehicle to specifications different from those of Hypertech, Inc.

Changes made to the design or operating conditions of the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

Marketing of the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC using any identification other than that shown in this Executive Order or marketing of the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC for an application other than those listed in this Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board.

This Executive Order is granted based on previously submitted emissions and OBD II test data that was generated in support of Executive Order D-260-16 on a 2008 model year 6.4L Ford F-250 truck (test group 8FMXA06.4AGC).

Installation of the Max Energy, Max Energy 2.0, Max Energy ECON, Tow Master Junior, and HyperPAC shall not block or prohibit the communication of all required emission related messages from the vehicle's OBD II system to a scan tool used for the Smog Check Inspection program in California.

The Air Resources Board 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 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 MAX ENERGY, MAX ENERGY 2.0, MAX ENERGY ECON, TOW MASTER JUNIOR, AND HYPERPAC.

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 is made after the hearing that grounds for revocation exist.

Executed at El Monte, California, this 28<sup>th</sup> day of May 2015.

  
Annette Hebert, Chief  
Emissions Compliance, Automotive Regulations and Science Division