

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-176-27
Relating to Exemptions Under Section 27156
Of the Vehicle Code

Dinan Engineering, Inc.
High Flow Cold Air Intake

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-02-003;

IT IS ORDERED AND RESOLVED; That the installation of the High Flow Cold Air Intake, manufactured and marketed by Dinan Engineering, Inc., 865 Jarvis Drive, Morgan Hill, CA 95037, has been found not to reduce the effectiveness of the applicable vehicle pollution control system and, therefore, is exempt from the prohibitions of Section 27156 of the Vehicle Code for installation on 2000 through 2003 model year BMW vehicles as described in Exhibit A, **excluding 2003 model year 325 and 330 models with the following engine test groups, 3BMXV03.0UL2 and 3BMXV02.5M56.**

The High Flow Cold Air Intake consists of a tube (either aluminum or carbon fiber) which connects the vehicle's air flow meter to an open element type air filter located in a protected compartment. This system replaces the original intake and air filter system and allows more air into the engine under high throttle opening and engine rpm conditions.

This Executive Order is valid provided that the installation instructions for the High Flow Cold Air Intake will not recommend tuning the vehicle to specifications different from those of the vehicle manufacturer.

This Executive Order shall not apply to any High Flow Cold Air Intake advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with the transfer to an ultimate purchaser.

Changes made to the design or operating conditions of the High Flow Cold Air Intake, 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 High Flow Cold Air Intake using any identification other than that shown in this Executive Order or marketing of the High Flow Cold Air Intake 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 the system shall not be construed as exemption to sell, offer for sale, or advertise any component of the kit as an individual device.

This Executive Order does not constitute any opinion as to the effect that the use of the High Flow Cold Air Intake may have on any warranty either expressed or implied by the vehicle manufacturer.

This Executive Order is granted based on prior evaluation which determined that Dinan Engineering, Inc.'s High Flow Cold Air Intake does not cause an adverse effect on emissions of selected passenger cars (D-176-21), nor does it affect the vehicles' ability to perform On-Board Diagnostic II (OBD II) system monitoring. The same effect on emissions and OBD II system monitoring is expected on the vehicles listed in this Executive Order.

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 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 DINAN ENGINEERING'S HIGH FLOW COLD AIR INTAKE.

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 17th day of May 2004.



Allen Lyons, Chief
Mobile Source Operations Division

Exhibit A

<u>Model</u>	<u>Model Years</u>	<u>Engine Size</u>	<u>Part Number</u>
325i*	2001-2003	2.5L	D760-0400
325ci*			
325xi*			
330i*	2001-2003	3.0L	D760-0401
330ci*			
330xi*			
Z3 2.5i	2001-2002	2.5L	D760-0326
Z3 3.0i	2001-2002	3.0L	D760-0328
528i	1996-2000	2.8L	D760-0628
540i	1999-2003	4.4L	D760-0620 D760-0621
525i	2001-2003	2.5L	D760-0628
530i	2001-2003	3.0L	D760-0630
M5	2000-2003	5.0L	D760-0390
740i, 740iL	1999-2002	4.4L	D760-0660 D760-0661
X5 4.4i	2000-2002	4.4L	D760-0530
X5 3.0i	2001-2003	3.0L	D760-0532
X5 4.6i	2002-2003	4.6L	D760-0530

***Excluding 2003 model year 325 and 330 models with the following engine test groups, 3BMXV03.0UL2 and 3BMXV02.5M56.**