

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-212
Relating to Exemptions Under Section 27156
of the Vehicle Code

B & D RESEARCH AND DEVELOPMENT
MAGNA CHARGER MODEL NUMBER MC10A

WHEREAS, Vehicle Code Section 27156 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 parts from the prohibitions of Vehicle Code Section 27156.

WHEREAS, B & D Research and Development has applied to the ARB for exemption from the prohibitions of Vehicle Code Section 27156 for the Magna Charger model number MC10A.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Division by Health and Safety Code Section 39516 and Executive Order G-45-5, the Air Resources Board finds:

1. The Magna Charger model number MC10A is an add-on device attached to the fuel line in a motor vehicle.
2. The Magna Charger model number MC10A is intended for use with a required motor vehicle pollution control system.
3. The Magna Charger model number MC10A by being installed in the fuel line alters the original design of a motor vehicle pollution control system.
4. The Magna Charger model number MC10A is a device subject to the prohibitions of Vehicle Code Section 27156 and add-on part as defined by 13 CCR Section 1900(b)(1).
5. The Magna Charger model number MC10A does not reduce the effectiveness of any required motor vehicle pollution control device.
6. The Air Resources Board, in the exercise of technical judgement, is aware of no basis on which the Magna Charger model number MC10A will provide an increase in fuel economy.

7. It has not been determined what effect use of the Magna Charger model number MC10A may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.
8. The Magna Charger model number MC10A is not a certified motor vehicle pollution control device pursuant to Health and Safety Code Section 43644.
9. The Air Resources Board by granting an exemption to B & D Research and Development for the Magna Charger model number MC10A does not recommend or endorse in any way the Magna Charger model number MC10A for emissions reduction, fuel economy, or any other purpose.

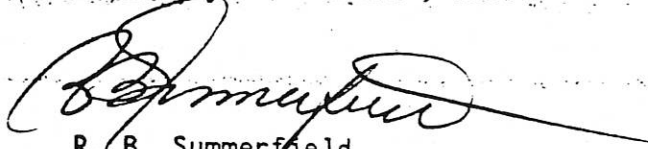
IT IS HEREBY RESOLVED that the Magna Charger model number MC10A is exempt from the prohibitions of Vehicle Code Section 27156 for installation as specified. Model number MC10A for 1990 and older model year light duty vehicles.

1. 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.
2. No changes are permitted to the device as described in the application for exemption. Any changes to the device, applicable model year, or other factors addressed in this order must be evaluated and approved by the Air Resources Board prior to marketing in California.
3. Marketing of this device using an identification other than that shown in this Executive Order or marketing of this device for an application other than those listed in the Executive Order shall be prohibited unless prior approval is obtained from the Air Resources Board. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any component of the product as an individual device.
4. Any oral or written references to this Executive Order or its content by B & D Research and Development, 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 fuel economy or emissions reduction claims for the Magna Charger model number MC10A and is only a finding that the device is exempt from the prohibitions of Vehicle Code Section 27156.

5. 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 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 after hearing that grounds for revocation exist.

Executed at El Monte, California, this 13th day of December, 1990.



R. B. Summerfield
Assistant Division Chief
Mobile Source Division