

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-260-13

Relating to Exemptions Under Section 27156
of the California Vehicle Code

Hypertech, Inc.
Max Energy Sport Power Programmer

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 Max Energy Sport Power Programmer, 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 2003 to 2010 model year Honda, Nissan, Mazda, Mitsubishi, and Subaru vehicles as listed in Exhibit A.

The Max Energy Sport Power Programmer is a hand held programmer designed to reprogram the engine and/or transmission control module to modify the operating parameters. The programmer is designed to download OEM calibration updates, non emission related upgrades, and patches or fixes in the firmware. Emission-related data files cannot be modified by the end user.

This Executive Order is valid provided that the installation instructions for the Max Energy Sport Power Programmer 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 Max Energy Sport Power Programmer, as exempt by the Air Resources Board, which adversely affect the performance of the vehicle's pollution control system shall invalidate this Executive Order.

This Executive Order shall not apply to any Max Energy Sport Power Programmer advertised, offered for sale, sold with, or installed on a new motor vehicle prior to or concurrent with transfer to an ultimate purchaser.

Marketing of the Max Energy Sport Power Programmer using any identification other than that shown in this Executive Order or marketing of the Max Energy Sport Power Programmer 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 does not constitute any opinion as to the effect the use of the Max Energy Sport Power Programmer may have on any warranty either expressed or implied by the vehicle manufacturer.

Hypertech, Inc. submitted emissions test data generated on two test vehicles modified with the Max Energy Sport Power Programmer. Test results showed that emission levels met the applicable emission standards when tested using the Cold-Start CVS-75 Federal Test Procedure (FTP) test cycle and the Supplemental Federal Test Procedure (SFTP US06) test cycle. Examination of the OBD II system showed that the programmer did not affect OBD II system operation. Results from emissions testing conducted at the Auto Club Emissions Laboratory, located in Diamond Bar, California, are shown below (in grams per mile).

2007 2.4L Honda Accord	CVS-75 FTP				SFTP US06	
	NMOG	CO	NOx	HCHO	NMHC+NOx	CO
Standards*, UL	0.010	1.0	0.02	0.004	0.14	8.0
Device Test 1**	0.004	0.3	0.01	0.000	0.01	0.9
Device Test 2**	0.004	0.3	0.01	0.000		
Average	0.004	0.3	0.01	0.000		
Average w/df	0.006	0.4	0.01	0.000		

Measured horsepower gain 5

2009 2.3L Mazda 3 Speed	CVS-75 FTP				SFTP US06	
	NMOG	CO	NOx	HCHO	NMHC+NOx	CO
Standards*, 50K	0.040	1.7	0.05	0.004	0.14	8.0
Device Test 1**	0.021	0.2	0.03	0.000	0.03	0.7
Device Test 2**	0.016	0.2	0.03	0.000		
Average	0.025	0.2	0.03	0.000		
Average w/df	0.029	0.3	0.04	0.001		

Measured horsepower gain 40

*LEV II SULEV CVS-75 FTP emissions standards for the Honda Accord, and
LEV II ULEV for the Mazda 3 Speed.

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 SPORT POWER PROGRAMMER.

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.

Exhibit A

Honda

Model Year	Model	Engine
2006 to 2009	Civic	1.8L
2006 to 2009	Civic Si	2.0L
2007 to 2009	S2000	2.2L
2003 to 2007	Accord	2.4L or 3.0L

Infiniti

2003 to 2008	G35	3.5L
2008 to 2009	G37	3.7L

Mazda

2007 to 2009	RX-8	1.3L
2006 to 2009	Miata	2.0L
2003 to 2008	Mazdaspeed 3s	2.3L
2003 to 2008	Mazdaspeed 6i	2.3L
2006 to 2010	Mazdaspeed 3	2.3L Turbocharged
2006 to 2010	Mazdaspeed 6	2.3L Turbocharged

Mitsubishi

2008 to 2010	Lancer Evolution X	2.0L Turbocharged
--------------	--------------------	-------------------

Nissan

2003 to 2008	350Z	3.5L
2009	370Z	3.7L

Subaru

2008 to 2010	Impreza, Impreza Sti	2.5L Turbocharged
--------------	----------------------	-------------------