

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER D-437-2
Relating to Exemptions Under Section 27156
Of the vehicle Code

DKS TECHNOLOGIES, INC.
"DKS FUEL STABILIZER SYSTEM"

WHEREAS, Vehicle Code Sections 27156 and 38391, 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 aftermarket devices from the prohibitions of Vehicle Code Section 27156.

WHEREAS, DKS Technologies, Inc. of 2226 Northpoint Parkway, Santa Rosa, California 95407, has applied to the ARB for exemption from the prohibitions in Vehicle Code Sections 27156 and 38391 for their DKS Fuel Stabilizer System, Models ES3700 and ACV3700, for installation on 2000 and older model-year vehicles powered by a diesel engine with liquid coolant. Model ES3700 uses an electronic temperature control valve, and Model ACV3700 uses a mechanical temperature control valve.

WHEREAS, pursuant to the authority vested in the Executive Officer by Health and Safety Code Section 39515 and in the Chief, Mobile Source Operations Division by Health and Safety Code Section 39516 and Executive Order G-45-9, the ARB finds that the above add-on device complies with the requirements for exemption from the prohibitions of California Vehicle Code Section 27156 pursuant to Title 13 Section 2222(e), California Code of Regulations. It was determined through engineering evaluation that the device will not reduce the effectiveness of the pollution control system of the applicable vehicles.

It has not been determined what effect the use of the DKS Fuel Stabilizer System may have on any warranty, either expressed or implied, by the manufacturer of a motor vehicle on which the device is installed.

IT IS HEREBY RESOLVED that the DKS Fuel Stabilizer System is exempt from the prohibitions in Vehicle Code Section 27156 for installation on 2000 and older model year vehicles powered by a diesel engine with liquid coolant, subject to the following conditions:

1. No changes are permitted to the DKS Fuel Stabilizer System device as described in the application for exemption. Any changes to the DKS Fuel Stabilizer System or any of its component, or other factors addressed in this order must be evaluated and approved by the ARB prior to marketing in California.
2. Marketing of the DKS Fuel Stabilizer System without a permanent label showing the Executive Order number or marketing of the DKS Fuel Stabilizer System for an application other than the one stated in this Executive Order shall be prohibited unless prior approval is obtained from the ARB. Exemption of this product shall not be construed as an exemption to sell, offer for sale, or advertise any components of the DKS Fuel Stabilizer System as an individual device.

3. Any oral or written references to this Executive Order or its content by DKS Technologies, Inc., 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 emissions reduction claims for the DKS Fuel Stabilizer System and is only a finding that the DKS Fuel Stabilizer System is exempt from the prohibitions of Vehicle Code Section 27156.
4. Should the installation of the DKS Fuel Stabilizer System on applicable vehicles be determined to result in unacceptable emission increases or cause an adverse effect on vehicle pollution control systems, the ARB may require DKS Technologies, Inc. to conduct specific tests in order to determine the levels of emissions increase. Should such tests show excessive emission increase, DKS Technologies, Inc. may be required to cease and desist from marketing the device in California, and this exemption may be rescinded, in accordance with established procedures.
5. DKS Fuel Stabilizer System may be marketed by a distributor under a new brand name, provided this Executive Order number is permanently attached or engraved on the device, and provided any model number assigned to the device by a distributor is cross-referenced to the DKS Fuel Stabilizer System model numbers shown above.
6. This exemption shall not apply to any device, apparatus, or mechanism advertised, offered for sale, sold with, or installed on a motor vehicle prior to or concurrent with transfer to an ultimate purchaser

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 OF THE DKS FUEL STABILIZER SYSTEM.

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 it, during 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 recommendation is made, after the hearing, that grounds for revocation exist.

Executive Order No. D-437-1 dated May 10, 1999, is hereby superseded and of no further force and effect.

Executed at El Monte, California, this 8TH day of August 2000.


R.B. Summerfield, Chief
Mobile Source Operations Division