State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER K-001-1

Relating to Exemptions of Aftermarket Critical Emission Control Parts for Highway Motorcycles under Sections 27156 and 38391 of the Vehicle Code

Thunder Heart Performance Corporation
Thunder Max 50

WHEREAS, Pursuant to the authority vested in the Air Resources Board (ARB) by Sections 27156 and 38391 of the Vehicle Code and Title 13, California Code of Regulations (hereafter "CCR") Section 2222(j); and

WHEREAS, Thunder Heart Performance Corporation ("Thunder Heart") has applied to ARB for an exemption from the prohibitions of Vehicle Code sections 27156 and 38391 to market its Thunder Max 50 on selected 2009 model year Harley Davidson highway motorcycle engine families; and

WHEREAS, Pursuant to the authority vested in the undersigned by Sections 39515 and Section 39516 of the Health and Safety Code and by Executive Order G-02-003;

IT IS ORDERED AND RESOLVED: That the Thunder Max 50, manufactured by Thunder Heart of P.O. Box 76, 120 Industrial Drive, White House TN 37188, has been found not to reduce the effectiveness of any required vehicle pollution control system or to cause the vehicle emissions to exceed applicable emission standards, and is therefore exempt from the prohibitions of Sections 27156 and 38391 of the Vehicle Code, as described below for the following 2009 model year Harley-Davidson motorcycle engine family:

Engine Family: 9HDXC1.58AEB Displacement: 1584 cc (96 Cubic Inches)

Fuel Type: Gasoline

System Components:

Part Numbers	Description
309-355	Bosch heated oxygen sensors (2)
309-375 or 309-378	Replacement ECU with Sensor Control Module

The following are the applicable exhaust hydrocarbon plus oxides of nitrogen (HC + NOx) and carbon monoxide (CO) emission standards, in grams per kilometer (g/km):

HC + NOx (designated)	CO
0.6	12

The following are Thunder Heart Performance Corporation's HC + NOx and CO exemption emission values for this engine family in grams per kilometer (g/km):

HC + NOx	CO
0.6	7

BE IT FURTHER RESOLVED: That Thunder Heart has submitted materials demonstrating compliance with the emissions defects warranty requirements of section (c)(2) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Thunder Heart must permanently identify its exempted aftermarket critical emission control part by direct stamping or embossment as required under section (c)(3) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Thunder Heart must retain records as required by section (c)(2)(D) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles," and to report warranty claim records for each part covered by this Executive Order, as required by section (c)(6) of said procedures.

BE IT FURTHER RESOLVED: That Thunder Heart must submit production reports for the exempted aftermarket critical emission control part as required by section (c)(5)(A) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

BE IT FURTHER RESOLVED: That Thunder Heart may be subjected to inspection and audit testing pursuant to section (c)(5)(B) of the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles."

The production aftermarket critical emission control part shall be in all material respect the same as those for which exemption is granted.

Marketing of the Thunder Max 50 using any identification other than that shown in this Executive Order or marketing of the Thunder Max 50 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 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 Thunder Max 50.

The aftermarket critical emission control part exempted under this Executive Order must conform to all applicable California emission regulations. This exemption does not constitute an exemption to sell, offer for sale, or advertise any components of the part as individual devices.

BE IT FURTHER RESOLVED: That Thunder Heart's Thunder Max 50 is **conditionally** exempted from the prohibitions in Vehicle Code Sections 27156 and 38391 in accordance with the "California Evaluation Procedures for Aftermarket Critical Emission Control Parts on Highway Motorcycles," adopted by the Board on January 22, 2009. In the event that the procedures are not approved by the Office of Administrative Law, and thus not become effective, Thunder Heart may be required to recall the part and/or system and replace it with one that complies with applicable California emission regulations.

Violation of any of the above conditions shall be grounds for revocation of this order. The order may be revoked only after a 30-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 30 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 1 day of July 2009.

Annette Hebert, Chief
Mobile Source Operations Division