

**Declaration of  
David Van Houten**

1 I am employed by the State of California, Bureau of Automotive Repair as a Program  
2 Representative II(S), in the Bureau's Anaheim Documentation Lab (see attachment one).

3 On November 18, 2010, Department of Motor Vehicle Investigator, Cesar Mata, of the  
4 Orange County Auto Theft Task Force (OCATT) requested that I inspect a Nissan Skyline GTR  
5 (Grand Turismo Racing) automobile, California license plate number 6JLP902, that OCATT had  
6 in their custody.

7 The purpose of this inspection was to determine if the vehicle's emission control systems  
8 met the requirements of the State of California. I was also asked to inspect for Department of  
9 Transportation (DOT) required lighting standards, which are required for use in the United States  
10 (US) and in the State of California.

11 From November 30, 2010, to December 7, 2010, I inspected the vehicle. During my  
12 inspection of the vehicle, I found the driver controls, (steering column and related controls,  
13 clutch pedal, brake pedal, accelerator pedal and instrument cluster assembly) to be located on the  
14 right side of the vehicle (Left and right is defined by sitting in a front seat facing forward). This  
15 arrangement is normally found in vehicles not sold in the US and do not meet US or State of  
16 California required standards.

17 I inspected the right side, "B" pillar, (center pillar of the vehicle where the door latches),  
18 and found an information label. This label lists that the vehicle was manufactured by Nissan,  
19 imported by MOTOREX INC, date of manufacture 3/93, Vehicle Identification Number (VIN)  
20 BNR32-302143 and type: Passenger Car. This label also states that "THIS VEHICLE  
21 CONFORMS TO ALL APPLICABLE U.S. FEDERAL MOTOR VEHICLE SAFETY,  
22 BUMPER AND THEFT PREVENTION STANDARDS IN EFFECT ON THE DATE OF  
23 MANUFACTURE SHOWN ABOVE". I photographed this label to document my findings (See  
24 photograph 1 attachment 11).

25 I then inspected the public VIN plate located in the middle left side vehicle's windshield  
26 visible through the windshield. The vehicle identification number embossed into this VIN plate  
27 matched the identification number on the label located on the left "B" pillar label. It also stated  
28 that it was a substitute VIN plate as required by the Department of Transportation Part 565. I

1 photographed this VIN plate (See photograph 2 attachment 11).

2 I searched for the VIN embossed on the bulkhead/firewall/cowl, which is visible within  
3 the vehicle's engine compartment. I found this VIN to match the previously mentioned VIN's. I  
4 photographed the embossed VIN (See photograph 3 attachment 11). This VIN contains only  
5 eleven digits whereas vehicles built for the US market, contain seventeen digits.

6 I inspected for the manufacturer's vehicle and unit identification plate (plate). Using the  
7 manufacturer's Skyline repair manual (obtained off the internet which I retained a copy) it shows  
8 the location of the plate to be to the left of the embossed VIN in the bulkhead/firewall/cowl (See  
9 page GI 10 in attachment 2). I found the manufacturer's plate missing as evidence by the outline  
10 of the plate of having been installed by the outline of debris accumulated from behind the plate  
11 and the two (2) empty mounting holes. I photographed the area missing the plate to document  
12 my findings (See photograph 4 attachment 11). This missing plate is to list the following  
13 information: "Type, Vehicle identification number, Model, Body colour code, Trim colour code,  
14 Engine model, Engine displacement, Transmission model and Axle model".

15 I obtained from the internet a document listing Nissan Skyline Serial Numbers (See  
16 attachment 3). Using this document and the VIN, I determined that this vehicle can be a "1993  
17 BNR32 Nissan Skyline GT-R, or GT-R V-Spec, or GT-R V-Spec II with a "(RB26DETT engine  
18 2600 cc, 4WD)". I inspected the vehicle's drive system and found that this vehicle is a four (4)  
19 wheel drive vehicle. I photographed the four (4) wheel drive train to document my findings (See  
20 photograph 5 attachment 11).

21 In addition, I found three (3) labels attached to the vehicle's under hood in the upper left  
22 corner of the vehicle's hood.

23 First label was a label for vacuum hose routing information. There was no vehicle  
24 identification on the label describing the vacuum routing. Using the vacuum diagram contained  
25 in the manufacturer's repair manual (See page EN-6 attachment 2), I determined this label was a  
26 vacuum routing label for a RB26 Dual Over Head Cam (DOHC) Twin-Turbocharger Engine.  
27 Using this label I inspected the vehicle's engine. I found that the vacuum routing label  
28 represented the vehicle's engine and that the engine was in fact a RB26 DOHC Twin-

1 Turbocharged Engine. I photographed the label to document my findings (See photograph 6  
2 attachment 11).

3 The second label was a vehicle "MODIFIER" label. This label lists the modifier as "G &  
4 K", located at "3231 S. Standard Ave., Santa Ana, CA 92705", with "CALIFORNIA  
5 AUTOMOTIVE REPAIR DEALER REGISTRATION NUMBER AC204045". The label lists  
6 that the date of modification completed was on "7/24/01". The label contains information for  
7 emission control information as follows: "MFD BY: Nissan", "VIN BNR32/302143", "ENGINE  
8 FAMILY IL6", "DISPLACEMENT 2.6L", "EVAPORATIVE FAMILY CANISTER",  
9 "EXHAUST EMISSION CONTROL SYSTEM ECU-TWC-HO2S-CC", "ENGINE TUNE UP  
10 SPECIFICATION This vehicle is equipped electronic engine control system. Engine idle speed,  
11 idle mixture & ignition timing are not adjustable. Factory preset". THIS VEHICLE  
12 ORIGINALLY MANUFACTURED IN 1993 THIS VEHICLE CONFORMS TO  
13 CALIFORNIA ARB EMISSION CONTROL REGULATIONS APPLICABLE TO 1993  
14 MODEL YEAR PASSENGER CARS". This label does not state that the twin-turbocharger  
15 system is allowed. I photographed this label to document my findings (See photograph 7 in  
16 attachment 11). Using two separate manuals, the 2001 and 2010 Mitchell Emission Control  
17 Application Guide (See attachment 4), I determined that the aforementioned abbreviations on the  
18 G & K MODIFIER label decipher as follows: "TWC" is a Three-way catalyst and that "HO2S"  
19 is a Heated Oxygen Sensor. In addition, I used a 2010 Motor Emission control Systems  
20 application guide (See attachment 4), that "ECU" deciphered as Engine Control Unit. I am  
21 unable to determine what "CC" represents.

22 The third label was a label from the State of California Bureau of Automotive Repair  
23 which is issued by a licensed California State Referee (BAR Label). A State Referee is a state-  
24 contracted vehicle emissions test facility, which inspect vehicles with engine changes, gray  
25 market vehicles and specially constructed vehicle's as part of its duties. If vehicle meets the State  
26 of California emission control requirements and a BAR label is needed, a BAR label will be  
27 affixed to the vehicle by the referee. Any licensed Smog Check Technician may perform future  
28 Smog inspections as long as the label is installed and no changes to the vehicle's emission

1 control systems have been made. The label installed on this vehicle lists the number of  
2 "N5329870", the date of "08/17/2001", "YR/MK/MDL: 1993 NISSA SKYLINE", "TYPE: P",  
3 "ENG.YR/MK/SIZE: 1993 NISSA 2.6L", "TRANS: M", "CA/FED" CA", "REQ.ECS:  
4 PCV,EVP,FR,CAT,SPK,CCO,O2, FUEL INJECTION", "COMMENTA: PreCAT" and "V.I.N.  
5 BNR32302143". There is no mention that this vehicle is authorized to have twin-turbochargers  
6 installed.

7 In addition, this label is missing the Mylar protective covering which when attempting to  
8 remove the label will cause the label to be destroyed. The placement of the label on the underside  
9 of the vehicle's hood is not consistence with the two (2) places the label are to be placed which  
10 are normally the left front strut tower assembly (located in the engine compartment) or the left  
11 side "B" pillar where the door latches. I photographed this label to document my findings (See  
12 photograph 8 attachment 11).

13 Using two (2) separate manuals, a 2001 and 2010 Mitchell Emission Control Application  
14 Guide (attachment 4), I determined that the aforementioned abbreviations on the BAR label  
15 decipher as follows: "PCV" is Positive Crankcase Ventilation, "FR" is Fill Pipe Restrictor and  
16 "SPK" is Spark Controls. In addition, I used a 2010 Motor Emission control Systems application  
17 guide (See attachment 4), that "CCO" is Converter Clutch Overdrive Solenoid and that "EVP" is  
18 EGR Valve Position. This vehicle has a manual transmission and the manufacturer did not install  
19 a Exhaust Gas Recirculation Valve (EGR) on this vehicle's engine. There are no definitions for  
20 the acronym "O2".

21 "Pre CAT" is industry jargon for a Oxidation Catalytic Converter which is used upstream  
22 in the exhaust before the main Three-way Catalytic Converter and "CAT" is also industry jargon  
23 for Catalytic Converter.

24 Using the manufacturer's manual (See attachment 2 Page En-4), I determined the  
25 vehicle's emission control systems that were installed on this vehicle for use other than U.S.  
26 vehicles. They are as follows: Electronically Concentrated Engine Control System ("ECCS")  
27 with Multi-Port Injection ("MPI"), ECCS electrical distributor, "Three-way Catalyst",  
28 "Thermocouple" which is an exhaust temperature probe mounted in the exhaust pipe after the

1 Three-way catalytic converter, "Canister system" (EVAP), "Closed system" which is Positive  
2 Crankcase Ventilation system and "Air/Fuel ratio feedback" which are two (2) heated oxygen  
3 sensors.

4 I inspected the vehicle's emission control system. I found the following systems installed  
5 on the vehicle: Positive Crankcase Ventilation system (Closed system), Fuel Evaporative System  
6 (EVAP/Canister), a Catalytic Converter, Two Heated Oxygen sensors (air/Fuel ratio feedback),  
7 Spark Controls which is the (ECCS electrical distributor) and Thermocouple (Exhaust gas  
8 temperature probe).

9 I found the Thermocouple not mounted in the exhaust system but pushed upward toward  
10 the floorboard which I photographed (See photograph 9 attachment 11).

11 I inspected the vehicle's computer (Electronically Concentrated Engine Control) which I  
12 found to have a Nissan factory label installed. In addition, this computer has a Guarantee Plaque  
13 label with the number of 4963 and with the name of MINE'S which indicates that this computer  
14 has been modified from the manufacturer's design which I photographed to document my  
15 findings (See photographs 10 to 11, attachment 11). MINE'S, is a Japan company that  
16 specializes in modifying the manufacturer's factory computer setting for performance (See  
17 attachment 5). Aftermarket manufacturer's, are required to submit their parts for approval to  
18 California Air Resource Board (CARB) for use in California emission control vehicles. If  
19 approved, CARB issues an Executive Order (EO) number exempting that part for sale in  
20 California. CARB's web site does not show that a MINE'S computer is allowed for use in  
21 California emission control vehicle's.

22 I inspected what appeared to be a Catalytic Converter. There were no identifying marks  
23 of manufacture and/or manufacture numbering marked on the external shell. I removed the  
24 Catalytic Converter from the vehicle's exhaust system and inspected the internal shell of the  
25 Catalytic Converter. I found the Catalytic Converter to have a honeycomb substrate installed  
26 which, indicates that this is some type of Catalytic Converter. I am unable to determine if it is an  
27 Oxidation or Three-way Catalytic Converter. I photographed the Catalytic Converter to  
28 document my findings (See photographs 12 to 13, attachment 11).

1 I inspected the vehicle's fuel tank fill opening for a Fill Pipe Restrictor (FR). I found that  
2 this fuel tank fill opening did not have a FR installed. In addition, this fuel tank opening shows  
3 no signs that a FR has ever been installed in this fuel tank fill opening. I photographed this fuel  
4 tank opening to document my findings (See photograph 14 attachment 11).

5 The BAR label states that there is to be a "PreCAT" installed on this vehicle. The factory  
6 manual does not list a "PreCAT" for this vehicle and there are no provisions to install a  
7 "PreCAT" into this vehicle as designed by Nissan Motors.

8 Using the Bureau's BAR-97 Test Analyzer System in manual mode, simulating a  
9 California Smog Check Vehicle Inspection, BAR-97 Two Speed Idle Test (TSI), I obtained the  
10 following exhaust gas readings from this vehicle at the vehicle's idling RPM of 959:  
11 Hydrocarbon parts per million (HC ppm) were 194 and Carbon Monoxide Percent (CO%) was  
12 0.17 and at 2676 RPM the readings were 99 HC ppm, 0.75 CO%. I obtained printouts of the  
13 BAR-97 analyzer screen to document my findings (See attachment 6). Using the California  
14 Emission Standards TSI Table for a "1993+ Passenger <6,001" vehicle, which I obtained from  
15 The Bureau of Automotive Repair public web-site (See attachment 7), I found that this vehicle's  
16 maximum allowable idle RPM HC ppm is 100. This vehicle's idle HC reading exceeds the  
17 California Emission Standard by 94 HC ppm.

18 The manufacturer's manual lists that the vehicle's idle speed is set to 950 revolutions per  
19 minute (rpm) and ignition timing set at twenty (20) degrees Before Top Dead Center (BTDC) @  
20 950 rpm. In addition, the manufacturer lists the procedure for checking and adjustment of the  
21 vehicle's engine ignition timing. (See attachment 2 pages EN-3, EN-7 and EN11 to EN-12).

22 G & K label (See photograph 7 attachment 11) lists that the ignition timing is not  
23 adjustable and the BAR label (See photograph 8 attachment 11) shows timing as N/A (not  
24 applicable).

25 Using the Bureau's ignition timing light, I checked the vehicle's engine ignition timing  
26 and found the ignition timing to be set at twenty (20) degrees BTDC @ 950 rpm. Using the  
27 procedures listed in the manufacturer's manual, I was able to manipulate the vehicle's engine  
28 ignition timing from eight (8) degrees After Top Dead Center (ATDC) to thirty-eight (38)

1 degrees Before Top Dead Center (BTDC), therefore proving that this vehicle's ignition timing is  
2 adjustable..

3 In addition, the manufacturer's manual lists the procedure for adjustment of the vehicle's  
4 engine idle speed (See attachment 2 pages EN-8 to EN-10). I did not attempt to manipulate the  
5 vehicle's engine idle speed.

6 G & K label (See photograph 7 attachment 11) lists that the vehicle's engine idle speed  
7 is not adjustable.

8 The MOTORX label (See photograph 1 attachment 11) states that this vehicle meets  
9 Federal Motor Vehicle Safety Standards (FMVSS) (See attachment 8 and 9) and the State of  
10 California Vehicle Code Section 26103.b (See attachment 10) states that if there is a Federal  
11 Motor Vehicle Standard covering the same aspect of performance of device then those standards  
12 shall prevail.

13 I inspected the vehicle's exterior required lighting lenses. The two (2) front turn signal  
14 amber color lenses are molded with "NISSAN ICHIKOH 3304 JAPAN". The two (2) front  
15 headlight clear color lenses are molded with "NISSAN ICHIKOH HXN23R1". The two (2)  
16 outermost brake/tail lamps red color lenses on rear of vehicle are molded with "IKI 7262 R-  
17 78T". The two (2) middle turn signal clear colored lenses with amber light bulbs installed on the  
18 rear of vehicle have no identification markings. The two (2) innermost brake/tail lamps with a  
19 Reflex reflector in the center of the red color lenses have no identification markings. The two (2)  
20 reverse clear colored lenses with clear light bulbs mounted on the sides of the vehicle's license  
21 plate are marked with "NISSAN IKI 4459 JAPAN". I photographed the vehicle's exterior  
22 lighting lenses to document my findings (See photograph 15 to photograph 33, attachment 11).  
23 This vehicle's exterior lighting lenses do not meet the requirements of the FMVSS which are  
24 required to have "DOT" (Department of Transportation) molded vertically or horizontally and/or  
25 the "SAE" (Society of American Engineers) molded into the lenses as required by the FMVSS.

26 In addition, this vehicle is required by the FMVSS to have two (2) Reflex reflectors and  
27 two clearance lamps mounted on each side of the vehicle. One (1) red Reflex reflector and one  
28 (1) red clearance lamp to be mounted as far as possible to the rear and one amber Reflex reflector

1 and one amber clearance lamp to be mounted as far as possible to the front. Also, have two (2)  
2 parking lamps with amber or white lenses mounted as far apart as possible on front of the  
3 vehicle. This vehicle does meet the requirements of FMVSS. I photographed both sides of this  
4 vehicle and the front of the vehicle to document my findings (See photograph 34 to 41,  
5 attachment 11).

6 The FMVSS requires that the vehicle's Speedometer be illuminated and labeled with the  
7 labeling of "MPH" or "MPH and km/h" if the manufacturer includes kilometers an hour along  
8 with miles per hour. I inspected the vehicle's Speedometer and to found it to have the name of  
9 "MINE'S" and only "km/h" printed on the Speedometer. This Speedometer does not meet the  
10 requirements of FMVSS. I photographed the vehicle's Speedometer to document my findings  
11 (See photograph 42 to 43 attachment 11).

#### 12 CONCLUSION:

13 The BAR Label does not accurately list the required emission control system required for  
14 this vehicle in that it does not list two (2) heated oxygen sensors (2HO2S), Three-way catalyst  
15 (TWC) or Fuel Evaporative System (EVAP). Additionally, the BAR Label lists inaccurately that  
16 this vehicle requires a "PreCat" when this vehicle has no provisions from the manufacturer to  
17 have a "PreCat" due to the factory twin-turbochargers installed and the timing is listed as not  
18 applicable when the vehicle's engine ignition timing is adjustable and has a specification of  
19 twenty (20) degrees BTDC at 950 RPM.

20 The G & K Label is inaccurate in that this vehicle's engine ignition timing and idle speed  
21 are not adjustable when in fact they are adjustable.

22 The MOTORX Label is inaccurate in that this vehicle meets the Federal Motor Vehicle  
23 Safety Standards when the required lighting lenses for this vehicle are not molded with "DOT"  
24 and/or "SAE. The vehicle does not have the required front parking lamps, the required side  
25 Reflex reflectors, the required side clearance lamps and the vehicle's Speedometer does state  
26 "MPH".

27 This vehicle, at this time, does not meet CARB regulations in that the fuel fill pipe  
28 opening does not have a fill pipe restrictor installed "FR", and the vehicle's computer has been

1 modified from the manufacturer's specifications and has not been given an EO number for use in  
2 California Emission Control Vehicle's. In addition, the vehicle's catalytic converter fails visually  
3 because there are no identification numbers on the catalytic converter.

4 This vehicle fails California Emissions maximum TSI idle HC ppm by 94%.

5 Due to the aforementioned discrepancies and/or claims, this vehicle does not meet the  
6 Federal Motor Vehicle Safety Standards, the State of California Vehicle Code Regulations and  
7 the State of California Emission Regulation requirements to be driven on the roadways and  
8 highways of the State of California.

9  
10 I certify under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12 Executed on the 30<sup>th</sup> day of DECEMBER, 2010, at Anaheim, California.

13 David Van Houten

14 David Van Houten