

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
95th General Assembly  
Regular Session, 2025

# A Bill

SENATE BILL 478

By: Senator G. Stubblefield

## For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS DIESEL ENGINE FREEDOM ACT OF 2025; TO PROHIBIT STATE ENFORCEMENT OF FEDERAL REGULATION OF CERTAIN TYPES OF DIESEL ENGINES; AND FOR OTHER PURPOSES.

## Subtitle

TO CREATE THE ARKANSAS DIESEL ENGINE FREEDOM ACT OF 2025; AND TO PROHIBIT STATE ENFORCEMENT OF FEDERAL REGULATION OF CERTAIN TYPES OF DIESEL ENGINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 27, Chapter 38, is amended to add an additional subchapter to read as follows:

Subchapter 3 - Arkansas Diesel Engine Freedom Act of 2025

27-38-301. Title.

This subchapter shall be known and may be cited as the "Arkansas Diesel Engine Freedom Act of 2025".

27-38-302. Legislative findings and intent.

(a) The General Assembly finds that:

(1) United States Constitution, Article I, § 8, Clause 3, grants the United States Congress the power to regulate commerce "among the several states" but does not grant the United States Congress the power to regulate intrastate commerce or activities that occur solely within one (1) state;



(2) The mandate of the United States Government requiring the use of diesel exhaust fluid in diesel engines operating solely within this state exceeds the powers delegated to the United States Congress under United States Constitution, Article I, § 8, Clause 3, and is therefore unconstitutional;

(3) Under the Tenth Amendment to the United States Constitution, powers that are not delegated to the United States Government nor prohibited to the states are reserved to the states or to the people, granting this state the authority to regulate emissions standards for vehicles used solely within this state; and

(4) It is the duty of this state to protect its citizens from unconstitutional overreach and burdensome regulations that are outside of the bounds of the authority of the United States Government.

(b) The General Assembly intends for this subchapter to:

(1) Assert the sovereign right of this state under the Tenth Amendment to the United States Constitution to regulate emissions standards for vehicles operating solely within this state when the vehicles are not engaged in interstate commerce;

(2) Declare that a federal regulation, executive order, or mandate requiring the use of diesel exhaust fluid in diesel engines operating solely within this state is null and void as it exceeds the constitutional authority granted to the United States Congress under United States Constitution, Article I, § 8, Clause 3; and

(3) Ensure that a state entity shall not enforce or attempt to enforce a regulation requiring the use of diesel exhaust fluid for vehicles operating solely within this state.

27-38-303. Definitions.

As used in this subchapter:

(1) "Exempt engine" means a diesel engine that:

(A) Is operated solely within this state; and

(B) Does not require the use of diesel exhaust fluid;

(2) "Exempt engine right" means a person's right to manufacture, produce, sell, install, use, or operate an exempt engine solely within this state;

(3) "Federal diesel regulation" means an act, agency directive, executive order, law, order, rule, regulation, or statute of the United States Government related to a diesel engine, diesel exhaust fluid, or federal emissions standards as applied to a diesel engine; and

(4) "State entity" means a state agency, political subdivision of the state, or a public official or an agent, employee, or representative of a state agency or political subdivision of the state.

27-38-304. Diesel engine rights.

(a) A federal diesel regulation that infringes on an exempt engine right or that requires the use of diesel exhaust fluid by an exempt engine is invalid in this state.

(b) A state entity shall not enforce or attempt to enforce a federal diesel regulation that infringes on an exempt engine right or that requires the use of diesel exhaust fluid by an exempt engine within this state.

(c)(1) The manufacture, sale, and installation of an exempt engine is lawful within this state.

(2) A state entity shall not prohibit or restrict the production, sale, or use of an exempt engine solely within this state.

(d)(1) An exempt engine that is manufactured and sold exclusively within this state is not subject to the enforcement of a federal diesel regulation.

(2) An exempt engine that is manufactured and sold exclusively within this state shall be clearly labeled for use solely within this state and may not be exported for use in another state unless the exempt engine is compliant with applicable federal laws.

27-38-305. Violation of diesel engine rights – Penalties.

(a) A state entity that violates this subchapter is subject to a civil penalty of up to five thousand dollars (\$5,000) for each violation of this subchapter.

(b)(1) If a state entity that violates this subchapter is a state agency or political subdivision of the state, the authority of the state agency or political subdivision of the state to enforce state laws or regulations related to vehicle emissions is immediately suspended for a period of at least twelve (12) months.

(2) If a state entity that violates this subchapter is a public official or an agent, employee, or representative of a state agency or political subdivision of the state, the public official, agent, employee, or representative shall be terminated from employment with the state agency or political subdivision of the state and shall be prohibited from holding public office or obtaining state employment for a period of five (5) years.