

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 478

5 By: Senator G. Stubblefield
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For An Act To Be Entitled

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

16 TO CREATE THE ARKANSAS DIESEL ENGINE
17 FREEDOM ACT OF 2025; AND TO PROHIBIT
18 STATE ENFORCEMENT OF FEDERAL REGULATION
19 OF CERTAIN TYPES OF DIESEL ENGINES.
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 27, Chapter 38, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 3 - Arkansas Diesel Engine Freedom Act of 2025
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27 27-38-301. Title.

28 This subchapter shall be known and may be cited as the "Arkansas Diesel
29 Engine Freedom Act of 2025".
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31 27-38-302. Legislative findings and intent.

32 (a) The General Assembly finds that:

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



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

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

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

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

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

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

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

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28 27-38-303. Definitions.

29 As used in this subchapter:

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

31 (A) Is operated solely within this state; and

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

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

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

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

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9 27-38-304. Diesel engine rights.

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

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

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

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

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

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

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28 27-38-305. Violation of diesel engine rights – Penalties.

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

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

