

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 457

By: Deevers

AS INTRODUCED

An Act relating to motor vehicles; creating the Oklahoma Diesel Engine Freedom Act; providing short title; declaring legislative findings; asserting certain right; nullifying certain federal regulation; prohibiting certain actions; allowing for manufacture of certain engine; setting amount of fines for certain violations; allowing for imprisonment for certain violation; repealing 47 O.S. 2021, Section 12-423, which relates to emission control systems; providing for noncodification; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. This act shall be known and may be cited as the "Oklahoma Diesel Engine Freedom Act".

B. The Legislature finds and declares that:

1. Article I, Section 8, Clause 3 of the United States Constitution grants the United States Congress power to regulate commerce "among the several states", not intrastate commerce or activities solely within one state;

1           2. The federal government's mandate requiring the use of diesel  
2 exhaust fluid in diesel engines operating within this state exceeds  
3 the powers delegated to Congress under Article I, Section 8, and are  
4 therefore unconstitutional;

5           3. Under the 10th Amendment to the United States Constitution,  
6 powers not delegated to the federal government nor prohibited to the  
7 states are reserved to the states or to the people, granting this  
8 state the authority to regulate emissions standards for vehicles  
9 used within its borders; and

10          4. It is the duty of this state to protect its citizens from  
11 unconstitutional overreach and burdensome regulations that are  
12 outside the bounds of federal authority.

13           SECTION 2.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 12-429 of Title 47, unless there  
15 is created a duplication in numbering, reads as follows:

16           A. Pursuant to the 10th Amendment of the United States  
17 Constitution, this state asserts its sovereign right to regulate  
18 emissions standards for vehicles operating within its borders when  
19 such vehicles are not engaged in interstate commerce.

20           B. This state declares that any federal regulation, executive  
21 order, or mandate requiring the use of diesel exhaust fluid in  
22 diesel engines operating solely within this state is null and void,  
23 as it exceeds the constitutional authority granted to the United  
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1 States Congress under Article I, Section 8 of the United States  
2 Constitution.

3 C. No state agency, political subdivision, or officer of this  
4 state shall enforce or attempt to enforce any federal law,  
5 regulation, or executive order requiring the use of diesel exhaust  
6 fluid for vehicles operating within this state.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 12-430 of Title 47, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. 1. The manufacture, sale, and installation of diesel  
11 engines and equipment that do not require diesel exhaust fluid shall  
12 be fully lawful within this state.

13 2. No state agency, political subdivision, or officer of this  
14 state shall prohibit or restrict the production, sale, or use of  
15 non-diesel exhaust fluid engines within this state.

16 B. 1. Non-diesel exhaust fluid engines manufactured and sold  
17 exclusively within this state are declared exempt from federal  
18 emissions standards, pursuant to this state's authority over  
19 intrastate commerce provided by the 10th Amendment to the United  
20 States Constitution.

21 2. Such engines shall be clearly labeled for use within this  
22 state and may not be exported for use in other states unless  
23 compliant with applicable federal laws.

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 12-431 of Title 47, unless there  
3 is created a duplication in numbering, reads as follows:

4 Any state agency, political subdivision, or individual found to  
5 be enforcing or attempting to enforce any federal diesel exhaust  
6 fluid mandate within this state shall be subject to the following:

- 7 1. A civil fine up to Five Thousand Dollars (\$5,000.00) per  
8 violation;
- 9 2. An immediate suspension of the authority to enforce state  
10 laws or regulations related to vehicle emissions for a period no  
11 less than twelve (12) months; and
- 12 3. For state officers or employees, termination of employment  
13 and a prohibition on holding public office or state employment for a  
14 period of five (5) years.

15 SECTION 5. REPEALER 47 O.S. 2021, Section 12-423, is  
16 hereby repealed.

17 SECTION 6. It being immediately necessary for the preservation  
18 of the public peace, health or safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

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