

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 2078

By: Deever

6 AS INTRODUCED

7 An Act relating to motor vehicles; creating the
8 Oklahoma Diesel Engine Freedom Act; providing short
9 title; declaring legislative findings; asserting
10 certain right; nullifying certain federal regulation;
11 prohibiting certain actions; allowing for manufacture
12 of certain engine; setting amount of fines for
13 certain violations; repealing 47 O.S. 2021, Section
14 12-423, which relates to emission control systems;
15 providing for noncodification; providing for
16 codification; and declaring an emergency.

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

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

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

22 B. The Legislature finds and declares that:

23 1. Article I, Section 8, Clause 3 of the United States
24 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 is
4 therefore unconstitutional;

5 3. While the United States Environmental Protection Agency's
6 August 2025 revisions to diesel exhaust fluid inducement strategies
7 provide limited flexibility by replacing sudden engine derating with
8 gradual reductions and extending compliance periods for certain
9 vehicles, these changes do not eliminate the burdensome and
10 unconstitutional mandate on citizens of this state engaged solely in
11 intrastate commerce;

12 4. Under the 10th Amendment to the United States Constitution,
13 powers not delegated to the federal government nor prohibited to the
14 states are reserved to the states or to the people, granting this
15 state the authority to regulate emissions standards for vehicles
16 used within its borders; and

17 5. It is the duty of this state to protect its citizens from
18 unconstitutional overreach and burdensome regulations that are
19 outside the bounds of federal authority.

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

23 A. Pursuant to the 10th Amendment to the United States
24 Constitution, this state asserts its sovereign right to regulate

1 emissions standards for vehicles operating within its borders when
2 such vehicles are not engaged in interstate commerce.

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

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

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

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

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

22 B. 1. Non-diesel exhaust fluid engines manufactured and sold
23 exclusively within this state are declared exempt from federal
24 emissions standards, pursuant to this state's authority over

1 intrastate commerce provided by the 10th Amendment to the United
2 States Constitution.

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

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

9 Any state agency, political subdivision, or individual found to
10 be enforcing or attempting to enforce any federal diesel exhaust
11 fluid mandate within this state shall be subject to a civil fine of
12 up to:

13 1. Five Hundred Dollars (\$500.00) for the first offense;
14 2. One Thousand Dollars (\$1,000.00) for the second offense; and
15 3. Two Thousand Five Hundred Dollars (\$2,500.00) for the third
16 and subsequent offenses.

17 The penalties for violations provided for in this section shall
18 include a warning for first-time offenses and an appeals process
19 through an administrative hearing.

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

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