

No. 1984-40

AN ACT

SB 437

Requiring certain public agencies in the Commonwealth of Pennsylvania to purchase or lease motor vehicles which are manufactured or assembled in the United States; and imposing a penalty.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Motor Vehicle Procurement Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Motor vehicle.” Includes motorcycle, automobile, truck, tractor, plow and earth moving equipment.

“Person.” Natural persons as well as corporations, partnerships, business units and associations.

“Public agency.”

(1) The Commonwealth and its departments, boards, commissions and agencies.

(2) Counties, cities, boroughs, townships, school districts and any other governmental unit or district.

(3) The State Public School Building Authority, the State Highway and Bridge Authority and any other authority now in existence or hereafter created or organized by the Commonwealth.

(4) The municipal or school or other authorities now in existence or hereafter created or organized by any county, city, borough, township or school district or combination thereof.

(5) Any and all other public bodies, authorities, offices, agencies and instrumentalities exercising a governmental or proprietary function.

“United States.” The United States of America. It includes all territory, continental or insular, subject to the jurisdiction of the United States.

Section 3. Police power.

This act shall be deemed to be an exercise of the police power of the Commonwealth for the protection of the health, safety and general welfare of its citizens.

Section 4. Public policy.

(a) Legislative finding.—It is determined by the General Assembly and declared to be its legislative finding that:

(1) The production of motor vehicles and component parts constitutes a major industry of the Commonwealth. It provides employment for and

incomes of hundreds of thousands of the people of this Commonwealth and, in turn, millions of persons in the United States.

(2) The taxes paid to the Commonwealth and its political subdivisions by employers and employees engaged in the production and sale of motor vehicles is one of the largest single sources of public revenues in this Commonwealth.

(3) It has, for many years, been the policy of the Commonwealth to aid and support the development and expansion of industry here to foster the economic well-being of the Commonwealth and its people.

(4) The economy and general welfare of the Commonwealth and its citizens, as well as the economy, general welfare and national security of the United States, are inseparably related in the preservation and development of the motor vehicle industry in Pennsylvania and in other states of the United States.

(b) General Assembly declaration.—The General Assembly declares it to be the policy of the Commonwealth of Pennsylvania that public officers and agencies should aid and promote the development of the motor vehicle industry of the United States to stimulate and improve the economic well-being of the Commonwealth and its citizens.

Section 5. Contract provisions.

(a) Motor vehicles to be manufactured or assembled in the United States.—A public agency shall purchase, lease or rent only motor vehicles which are manufactured or assembled in the United States. In the case of motor vehicles which are assembled but not manufactured in the United States, a public agency shall not purchase, lease or rent any such motor vehicle unless a majority of the parts, as set forth at 40 CFR 600.511-80, used in assembling such motor vehicles are manufactured in the United States. Contract documents for the purchase, lease or rental of motor vehicles shall contain a provision that the vehicles purchased, leased or rented by the public agency shall be manufactured or assembled in the United States.

(b) Exception.—This section shall not apply where the head of the public agency shall state in writing that it is inconsistent with the public interest or that the cost is unreasonable.

Section 6. Payments under contract; action to recover unauthorized payments.

A public agency shall not authorize, provide for or make a payment to a person under a contract containing the provision required by section 5 unless the public agency is satisfied that the person has complied with the provision. The payment made to a person by a public agency which should not have been made shall be recoverable, directly from the supplier of the motor vehicle who did not comply with section 5, by the public agency or the Attorney General by appropriate legal action. Nothing herein shall authorize any Commonwealth public agency to initiate a legal action independently of the Attorney General unless otherwise authorized under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

Section 7. Liberal construction.

This act is intended as remedial legislation designed to promote the general welfare and stimulate the economy of the Commonwealth and its people. Each provision shall receive a liberal construction to effectuate that intention. None of the provisions of this act shall receive a strict or limited construction.

Section 8. Penalty.

A violation of a provision of this act shall be a misdemeanor of the first degree.

Section 9. Effective date.

This act shall take effect in 60 days.

APPROVED—The 4th day of April, A. D. 1984.

DICK THORNBURGH