

AMENDMENTS TO HOUSE BILL NO. 1474

Sponsor: REPRESENTATIVE ROWE

Printer's No. 1660

1 Amend Bill, page 1, line 3, by inserting after "definitions"
2 ; providing for electric vehicle procurement; and imposing
3 penalties

4 Amend Bill, page 2, line 24, by striking out all of said line
5 and inserting

6 Section 3. Title 12 is amended by adding a chapter to read:

7 CHAPTER 59
8 ELECTRIC VEHICLE PROCUREMENT

9 Sec.

10 5901. Scope of chapter.

11 5902. Definitions.

12 5903. Certification of electric vehicles.

13 5904. Penalties.

14 5905. Applicability.

15 § 5901. Scope of chapter.

16 This chapter relates to electric vehicle procurement.

17 § 5902. Definitions.

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

21 "Department." The Department of General Services of the
22 Commonwealth.

23 "Electric vehicle." A motor vehicle that delivers power to
24 its drive wheel or wheels solely by use of a battery-powered
25 electric motor. The term does not include a qualified motor
26 vehicle as defined under 75 Pa.C.S. § 2101.1 (relating to
27 definitions).

28 "Forced labor." All work or service which is exacted from an
29 individual under the menace of a penalty for the nonperformance
30 of the work or service and for which the worker does not offer
31 the work or service voluntarily. The term includes forced or
32 indentured child labor.

33 § 5903. Certification of electric vehicles.

34 (a) Certification.--The department shall make available a
35 certification form indicating that an electric vehicle has been
36 produced without the use of forced labor and without components
37 produced through forced labor. Prior to the purchase of an

1 electric vehicle by the Commonwealth or a political subdivision,
2 a manufacturer of the electric vehicle shall provide the
3 certification form to the Commonwealth.

4 (b) Presumption.--All vehicles produced with components or
5 materials originating in the region of Xinjiang, China, shall be
6 presumed to be produced using forced labor for the purposes of
7 this chapter. A manufacturer of an electric vehicle may rebut
8 the presumption under this subsection through the presentation
9 of evidence that no forced labor was used in the manufacture or
10 production of an electric vehicle, its components or material
11 parts.

12 (c) Exception--In the case that no electric vehicle is
13 available with a certification form under subsection (a), the
14 Commonwealth or a political subdivision may purchase an electric
15 vehicle without a certification form only with an acknowledgment
16 that the vehicle being purchased was produced using forced
17 labor.

18 § 5904. Penalties.

19 (a) False certification.--If the department determines that
20 a manufacturer of an electric vehicle has submitted a false
21 certification form to the Commonwealth or a political
22 subdivision under section 5903 (relating to certification of
23 electric vehicles), the manufacturer shall be subject to the
24 following:

25 (1) A civil penalty in the amount of \$250,000 or twice
26 the amount of the contract for the electric vehicle,
27 whichever is greater. Only one civil penalty may be imposed
28 upon a manufacturer for each false certification.

29 (2) A prohibition on purchases of a vehicle from the
30 manufacturer for a period of three years from the date of the
31 determination that the manufacturer submitted the false
32 certification under section 5903.

33 (b) Report of false certification.--The department shall
34 report to the Attorney General the name of the manufacturer of
35 the electric vehicle that submitted the false certification
36 under section 5903 and the pertinent information that led to the
37 department's determination. No later than three years after the
38 department submits the report under this subsection, the
39 Attorney General shall determine whether to bring a civil action
40 against the manufacturer of the electric vehicle for the civil
41 penalty specified under subsection (a)(1). If a court of
42 competent jurisdiction determines the manufacturer of the
43 electric vehicle submitted a false certification under section
44 5903, the manufacturer shall pay all reasonable costs and fees
45 incurred in the civil action. Reasonable costs shall include the
46 reasonable costs incurred by the department in investigating the
47 authenticity of the certification. Only one civil action may be
48 brought against a manufacturer of an electric vehicle for a
49 false certification on a contract with the Commonwealth or a
50 political subdivision.

51 (c) No private right of action.--Nothing in this section

1 shall be construed to create or authorize a private right of
2 action.

3 § 5905. Applicability.

4 This chapter shall not apply if the President or Congress of
5 the United States, through legislation or executive order,
6 declares that the provisions of this chapter interfere with the
7 conduct of United States foreign policy.

8 Section 4. This act shall take effect in 60 days.