

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 638

Session of
1985

INTRODUCED BY STAUFFER, MOORE, BRIGHTBILL, FUMO, BODACK AND
ZEMPRELLI, MARCH 27, 1985

REFERRED TO CONSUMER PROTECTION AND PROFESSIONAL LICENSURE,
MARCH 27, 1985

AN ACT

1 Amending the act of April 4, 1984 (P.L.193, No.40), entitled "An
2 act requiring certain public agencies in the Commonwealth of
3 Pennsylvania to purchase or lease motor vehicles which are
4 manufactured or assembled in the United States; and imposing
5 a penalty," further providing for motor vehicle procurement
6 by public agencies; and changing penalty provisions.

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

9 Section 1. Sections 2, 4, 5 and 8 of the act of April 4,
10 1984 (P.L.193, No.40), known as the Motor Vehicle Procurement
11 Act, are amended to read:

12 Section 2. Definitions.

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

16 "Motor vehicle." [Includes motorcycle, automobile, truck,
17 tractor, plow and earth moving equipment] A vehicle which is
18 self-propelled except one which is propelled solely by human or
19 animal power. The term includes those vehicles designed

1 primarily for use in construction or agriculture or road
2 maintenance such as tractors and earth-moving equipment.

3 "North America." The United States of America and Canada.
4 The United States includes all territory, continental or
5 insular, subject to the jurisdiction of the United States.

6 "Person." Natural persons as well as corporations,
7 partnerships, business units and associations.

8 "Procure." To acquire by purchase, lease or rent; however,
9 it does not include any rentals or leases where the term thereof
10 is less than one month.

11 "Public agency."

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

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

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

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

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

27 ["United States." The United States of America. It includes
28 all territory, continental or insular, subject to the
29 jurisdiction of the United States.]

30 Section 4. Public policy.

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

3 (1) The production of motor vehicles and component parts
4 constitutes a major industry of the Commonwealth. It provides
5 employment for and incomes of hundreds of thousands of the
6 people of this Commonwealth and, in turn, millions of persons
7 in the United States.

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

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

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

22 (5) The production of motor vehicles and motor vehicle
23 components in Canada involves the use of a substantial amount
24 of resources from the United States, including labor and
25 materials.

26 (b) General Assembly declaration.--The General Assembly
27 declares it to be the policy of the Commonwealth of Pennsylvania
28 that public officers and agencies should aid and promote the
29 development of the motor vehicle industry of [the United States]
30 North America to stimulate and improve the economic well-being

1 of the Commonwealth and its citizens.

2 Section 5. Contract provisions.

3 (a) Motor vehicles to be manufactured [or assembled in the
4 United States] in North America.--A public agency shall
5 [purchase, lease or rent] procure only motor vehicles which are
6 manufactured [or assembled in the United States. In the case of
7 motor vehicles which are assembled but not manufactured in the
8 United States, a public agency shall not purchase, lease or rent
9 any such motor vehicle unless a majority of the parts, as set
10 forth at 40 CFR 600.511-80, used in assembling such motor
11 vehicles are manufactured in the United States. Contract
12 documents for the purchase, lease or rental of motor vehicles
13 shall contain a provision that the vehicles purchased, leased or
14 rented by the public agency shall be manufactured or assembled
15 in the United States] in North America. A motor vehicle is
16 manufactured in North America if a substantial majority of the
17 principal components are assembled into the final product in an
18 assembly plant in North America. Contract documents for the
19 procurement of motor vehicles shall contain a provision that the
20 vehicles procured by the public agency shall be manufactured in
21 North America.

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

26 Section 8. Penalty.

27 [A violation of a provision of this act shall be a
28 misdemeanor of the first degree.] In addition to the withholding
29 of payments, any person who willfully violates any of the
30 provisions of this act may be prohibited by any public agency

1 from participation in contracts awarded by the public agency for
2 a period of five years from the date of the determination that a
3 violation has occurred.

4 Section 2. This act shall take effect immediately.