
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 437

Session of
1983

INTRODUCED BY BELL, LYNCH, BODACK AND ZEMPRELLI, MARCH 7, 1983

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 22, 1984

AN ACT

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

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

7 Section 1. Short title.

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

10 Section 2. Definitions.

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

14 "Motor vehicle." Includes motorcycle, automobile, truck,
15 tractor, plow and earth moving equipment.

16 "Person." Natural persons as well as corporations,
17 partnerships, business units and associations.

1 "Public agency."

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

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

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

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

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

17 "United States." The United States of America. It includes
18 all territory, continental or insular, subject to the
19 jurisdiction of the United States.

20 Section 3. Police power.

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

24 Section 4. Public policy.

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

27 (1) The production of motor vehicles and component parts
28 constitutes a major industry of the Commonwealth. It provides
29 employment for and incomes of hundreds of thousands of the
30 people of this Commonwealth and, in turn, millions of persons

1 in the United States.

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

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

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

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

22 Section 5. Contract provisions.

23 (a) Motor vehicles to be manufactured or assembled in the
24 United States.--A public agency shall purchase, lease or rent
25 only motor vehicles which are manufactured or assembled in the
26 United States. IN THE CASE OF MOTOR VEHICLES WHICH ARE ASSEMBLED <—
27 BUT NOT MANUFACTURED IN THE UNITED STATES, A PUBLIC AGENCY SHALL
28 NOT PURCHASE, LEASE OR RENT ANY SUCH MOTOR VEHICLE UNLESS A
29 MAJORITY OF THE PARTS, AS SET FORTH AT 40 CFR 600.511-80, USED
30 IN ASSEMBLING SUCH MOTOR VEHICLES ARE MANUFACTURED IN THE UNITED

1 STATES. Contract documents for the purchase, lease or rental of
2 motor vehicles shall contain a provision that the vehicles
3 purchased, leased or rented by the public agency shall be
4 manufactured or assembled in the United States.

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

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

11 A public agency shall not authorize, provide for or make a
12 payment to a person under a contract containing the provision
13 required by section 5 unless the public agency is satisfied that
14 the person has complied with the provision. The payment made to
15 a person by a public agency which should not have been made
16 shall be recoverable directly from the supplier of the motor
17 vehicle who did not comply with section 5 by the public agency
18 or the Attorney General by suit filed in the Commonwealth Court.

19 Section 7. Liberal construction.

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

26 Section 8. Penalty.

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

29 Section 9. Effective date.

30 This act shall take effect in 60 days.