

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 437**

Session of  
1983

---

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

---

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MARCH 21, 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 APPROPRIATE LEGAL ACTION. NOTHING HEREIN SHALL AUTHORIZE ANY <—  
20 COMMONWEALTH PUBLIC AGENCY TO INITIATE A LEGAL ACTION  
21 INDEPENDENTLY OF THE ATTORNEY GENERAL UNLESS OTHERWISE  
22 AUTHORIZED UNDER THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164),  
23 KNOWN AS THE COMMONWEALTH ATTORNEYS ACT.

24 Section 7. Liberal construction.

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

1 Section 8. Penalty.

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

4 Section 9. Effective date.

5 This act shall take effect in 60 days.