

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL****No. 773** Session of  
2007

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INTRODUCED BY ARGALL, BAKER, BELFANTI, BOYD, CALTAGIRONE,  
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PALLONE, PHILLIPS, PICKETT, PYLE, RAPP, REICHLEY, SAINATO,  
SCAVELLO, SOLOBAY, R. STEVENSON, SURRA, THOMAS, WALKO,  
WATSON, YOUNGBLOOD, SIPTROTH AND CONKLIN, MARCH 19, 2007

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AS REPORTED FROM COMMITTEE ON LOCAL GOVERNMENT, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 5, 2007

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## AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," further providing for  
21 disposition of unserviceable personal property; and providing  
22 for disposition of surplus vehicles to qualified  
23 municipalities.

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

1 Section 1. Section 510 of the act of April 9, 1929 (P.L.177,  
2 No.175), known as The Administrative Code of 1929, amended July  
3 18, 1969 (P.L.165, No.67), is amended to read:

4 Section 510. Disposition of Unserviceable Personal Property;  
5 Surplus or Unserviceable Road, Bridge Materials or Equipment.--

6 (a) Whenever any furnishings, or other personal property of  
7 this Commonwealth, shall be no longer of service to the  
8 Commonwealth, it shall be the duty of the department, board, or  
9 commission, in whose possession such property shall be or come,  
10 to put such property into the custody of the Department of  
11 [Property and Supplies] General Services: Provided, however,  
12 That in the case of any perishable property which is not in the  
13 city of Harrisburg, the department, board, or commission, having  
14 possession of the same, may sell it in such manner, and upon  
15 such terms, as the head of the department, or the board, or  
16 commission, may determine: And provided further, That any road  
17 or bridge materials or equipment that have been declared surplus  
18 or unserviceable by the Department of [Highways] Transportation  
19 shall be offered for sale to counties, cities, boroughs,  
20 incorporated towns and townships at the best available price by  
21 the Department of [Property and Supplies] General Services.

22 Written notification of the availability of such material and  
23 equipment shall be given to all counties, cities, boroughs,  
24 incorporated towns and townships in the highway district in  
25 which such material and equipment was last used. If more than  
26 one such political subdivision requests the same material or  
27 equipment, any sale shall be made to the political subdivision  
28 making the highest letter bid. No sale shall be consummated  
29 until after a minimum of fifteen (15) days from the date of  
30 mailing the notification. All such material and equipment shall

1 be used by the procuring political subdivision upon roads,  
2 streets and bridges. All moneys received for such material shall  
3 be deposited in the Motor License Fund.

4 (b) Subsection (a) shall apply to the disposition of a  
5 surplus vehicle only if the surplus vehicle is not disposed of  
6 in accordance with section 510.1.

7 ["Unserviceable property," as used in this section,] (c)  
8 "Unserviceable property" shall not include products  
9 manufactured, grown, or raised, by any department, board, or  
10 commission, or by the inmates or patients of any State  
11 institution, or minerals, oil, gas, or other materials, taken  
12 from any property of the Commonwealth. It shall include only  
13 articles previously purchased by the Commonwealth, or any agency  
14 thereof, and paid for out of funds of or in the control of the  
15 Commonwealth.

16 Section 2. The act is amended by adding a section to read:

17 Section 510.1. Disposition of Surplus Vehicles to Qualified  
18 Municipalities.--(a) Prior to employing the procedure for  
19 disposing property under section 510(a), surplus vehicles shall  
20 be offered for disposal to qualified municipalities in  
21 accordance with the procedures and priorities and for the  
22 consideration, if any, established under this section.

23 (b) In the disposition of surplus vehicles to qualified  
24 municipalities, the following classes of priority shall apply:

25 (1) First priority shall be given to a qualified  
26 municipality that is a financially distressed municipality, as  
27 defined in section 203(f) of the act of July 10, 1987 (P.L.246,  
28 No.47), known as the "Municipalities Financial Recovery Act."

29 (2) Second priority shall be given to a qualified  
30 municipality that requests the surplus vehicle as part of a

1 council of governments on which it has membership or through an  
2 intergovernmental cooperation agreement to which it is a party,  
3 in accordance with 53 Pa.C.S. Ch. 23 Subch. A (relating to  
4 Intergovernmental Cooperation), provided that the surplus  
5 vehicle furthers the purpose of the council of governments or  
6 intergovernmental cooperation agreement. In order to qualify for  
7 this priority, one of the members of a council of governments or  
8 parties to an intergovernmental cooperation agreement must be a  
9 qualified municipality.

10 (3) Third priority shall be given to a qualified  
11 municipality that does not meet the criteria of paragraph (1) or  
12 (2).

13 (c) If more than one qualified municipality in the same  
14 priority class under subsection (b) is interested in the same  
15 surplus vehicle, the department shall determine which qualified  
16 municipality in the class shall be given preference, in  
17 accordance with standards established by the department, which  
18 may include, but need not be limited to, the following:

19 (1) A municipality's rate of individual poverty as  
20 determined by the most recent Federal decennial census,  
21 currently found in the U.S. Census Bureau's Table DP-3, Profile  
22 of Selected Economic Characteristics.

23 (2) A municipality that has levied the maximum allowable  
24 real estate tax for general purposes and earned income tax as  
25 provided by applicable law.

26 (3) A municipality's demonstrated need for the vehicle to be  
27 acquired.

28 (d) In addition to paying the cost, if any, of transporting  
29 the surplus vehicle from its location to the municipality, a  
30 qualified municipality that acquires a surplus vehicle in

1 accordance with this section shall pay the following  
2 consideration:

3 (1) A qualified municipality in the first priority class  
4 under subsection (b)(1) shall not be required to pay anything  
5 towards the fair market value established by the department.

6 (2) A qualified municipality in the second priority class  
7 under subsection (b)(2) shall pay twenty-five percent (25%) of  
8 the fair market value established by the department.

9 (3) A qualified municipality in the third priority class  
10 under subsection (b)(3) shall pay fifty percent (50%) of the  
11 fair market value established by the department.

12 All moneys received for such surplus vehicles shall be deposited  
13 in the Motor License Fund.

14 (e) In administering the provisions of this section, the  
15 department shall have the following powers and duties:

16 (1) To notify all municipalities in this Commonwealth of the  
17 existence of the program set forth in this section.

18 (2) To provide for and develop the application process for  
19 municipalities to apply to become qualified municipalities and  
20 in order to establish that they meet the criteria of a qualified  
21 municipality as defined in this section.

22 (3) To develop procedures by which qualified municipalities  
23 are notified, either through printed or electronic means, of  
24 available surplus vehicles.

25 (4) To develop the process by which qualified municipalities  
26 may request a particular surplus vehicle, which request form  
27 shall state that the qualified municipality understands and  
28 accepts that the department's selection of a qualified  
29 municipality for each surplus vehicle is final and unappealable.

30 (5) To establish deadlines for:

1     (i) Requests for surplus vehicles to be received by the  
2 department.

3     (ii) Notification by the department to the qualified  
4 municipality of a surplus vehicle or vehicles for which it has  
5 been selected to receive or purchase.

6     (iii) Payment for the surplus vehicle or vehicles by the  
7 selected qualified municipality.

8     (iv) Conveyance of the surplus vehicle or vehicles to the  
9 selected qualified municipality.

10    (6) To promulgate regulations and take other action  
11 necessary to carry out the program set forth in this section.

12    (f) Qualified municipalities that participate in the program  
13 authorized by this section or municipalities applying to become  
14 a qualified municipality, as relevant, shall have the following  
15 duties:

16    (1) To submit to the department a completed application form  
17 to become a qualified municipality which form shall include, but  
18 not necessarily be limited to, an attestation clause to be  
19 signed by the presiding officer of the municipality's governing  
20 body that the submitted copy of the municipality's most recently  
21 enacted ordinance adopting the municipality's annual budget is  
22 true and accurate and that the submitted Federal decennial  
23 information regarding the municipality is as published by the  
24 U.S. Census Bureau for the most recent Federal decennial census.

25    (2) To submit to the department a timely request for the  
26 desired surplus vehicle or vehicles.

27    (3) To promptly pay the cost, if any, of the surplus vehicle  
28 or vehicles awarded by the department.

29    (4) To arrange for the transportation or pickup of the  
30 surplus vehicle or vehicles from its location to the selected

1 qualified municipality's location.

2 (5) To use any surplus vehicle that has been received  
3 through the process set forth in this section for municipal  
4 purposes or, if the qualified municipality disposes of the  
5 vehicle, that the disposal shall only be done in accordance with  
6 the applicable statute for that class of municipality for  
7 disposal of personal property and, in which case, the proceeds  
8 shall be returned to the Commonwealth and deposited in the Motor  
9 License Fund.

10 (g) As used in this section, the following words and phrases  
11 shall have the meanings given to them in this subsection:

12 "ANNUAL OPERATING BUDGET." THE ANNUAL FINANCIAL PLAN OF A ←  
13 MUNICIPALITY THAT SETS FORTH ANTICIPATED EXPENDITURES FROM  
14 VARIOUS MUNICIPAL FUNDS, INCLUDING EXPENDITURES FROM THE GENERAL  
15 FUND, SPECIAL REVENUE FUNDS AND PROPRIETARY FUNDS FOR THE  
16 PURPOSE OF SATISFYING MUNICIPAL OPERATING COSTS, BUT EXCLUDING  
17 OUTLAYS FOR NONRECURRING CAPITAL IMPROVEMENTS AND APPROPRIATIONS  
18 TO AND EXPENDITURES FROM THE CAPITAL RESERVE FUND OF THE  
19 MUNICIPALITY.

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

22 "Qualified municipality." A municipality within this  
23 Commonwealth that has certified to the Department of General  
24 Services in accordance with this section that it has four  
25 thousand (4,000) or fewer residents and an annual operating  
26 budget, ~~excluding capital improvements~~ of one million five ←  
27 hundred thousand dollars (\$1,500,000), or less.

28 "Surplus vehicle." Any vehicle, as defined by 75 Pa.C.S.  
29 (relating to vehicles), that has been declared surplus or  
30 unserviceable, as defined in section 510, by the Department of

1 Transportation of the Commonwealth and which has been assigned a  
2 fair market value by the Department of General Services.

3 Section 3. This act shall take effect in 60 days.