

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1644 Session of 2011

INTRODUCED BY DUNBAR, CREIGHTON, CUTLER, GIBBONS, HENNESSEY,  
HICKERNELL, KNOWLES AND ROSS, JUNE 8, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 8, 2011

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,  
2 as amended, "An act relating to counties of the first, third,  
3 fourth, fifth, sixth, seventh and eighth classes; amending,  
4 revising, consolidating and changing the laws relating  
5 thereto; relating to imposition of excise taxes by counties,  
6 including authorizing imposition of an excise tax on the  
7 rental of motor vehicles by counties of the first class; and  
8 providing for regional renaissance initiatives," in  
9 contracts, further providing for sales of personal property  
10 and surplus farm products.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 Section 1. Section 1805(b) of the act of August 9, 1955  
14 (P.L.323, No.130), known as The County Code, amended December  
15 22, 2000 (P.L.1019, No.142), is amended and the section is  
16 amended by adding subsections to read:

17 Section 1805. Sales of Personal Property and Surplus Farm  
18 Products.--\* \* \*

19 (b) If the commissioners estimate the sale value of the  
20 personal property or of such surplus farm products to be sold at  
21 one thousand dollars (\$1,000) or more, the entire lot shall be  
22 advertised for sale, once, in at least one newspaper of general

1 circulation in the county, and sale of the property so  
2 advertised shall be made to the highest and best bidder. The  
3 bids shall not be opened until at least ten days after the said  
4 advertisement. The commissioners may sell any such property at  
5 auction, but the provisions as to notice contained in this  
6 section shall be likewise observed as to the holding of auction  
7 sales. [The provisions of this section shall not be mandatory  
8 where county property is to be traded-in or exchanged for new  
9 personal property. The provisions of this section shall not  
10 apply to sale of personal property with real property as a  
11 single unit pursuant to section 2306.1.]

12 (c) (1) An auction of personal property may be conducted by  
13 means of an online or electronic auction sale. During an  
14 electronic auction sale, bids shall be accepted electronically  
15 at the time and in the manner designated in the advertisement,  
16 and each bidder shall have the capability to view the bidder's  
17 bid rank or the high bid price. Bidders may increase their bid  
18 prices during the electronic auction.

19 (2) The record of the electronic auction shall be accessible  
20 for public inspection.

21 (3) The purchase price shall be paid by the high bidder  
22 immediately or at a reasonable time after the conclusion of the  
23 electronic auction as determined by the board of county  
24 commissioners. In the event that shipping costs are incurred,  
25 they shall be paid by the high bidder.

26 (4) A county that has complied with the advertising  
27 requirements of this subsection may provide additional public  
28 notice of the sale by bids or public auction in any manner  
29 deemed appropriate by the county commissioners. The  
30 advertisement for electronic auction sales authorized by this

1 subsection shall include the Internet address or means of  
2 accessing the electronic auction and the date, time and duration  
3 of the electronic auction.

4 (5) The board of county commissioners may reject any bids  
5 received if the bids are believed to be less than the fair  
6 market value of the property.

7 (d) The provisions of this section shall not be mandatory  
8 where county property is to be traded in or exchanged for new  
9 personal property. The provisions of this section shall not  
10 apply to sale of personal property with real property as a  
11 single unit pursuant to section 2306.1.

12 Section 2. This act shall take effect in 60 days.