



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2802

by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Transportation Benefits Program Act. Requires all covered employers to offer at least one transportation benefit program. Provides that the employer may choose between providing a program consistent with federal law that allows employees to elect to exclude from taxable wages and compensation the employee's commuting costs incurred for the purchase of a transit pass to use public transit or for the purchase of qualified parking, or a program under which the employer supplies a transit pass for the particular qualifying public transit requested by the covered employee or reimburses the covered employee for payments made for the use of qualified parking. Defines terms. Effective January 1, 2018.

LRB100 06136 JLS 16169 b

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Transportation Benefits Program Act.

6 Section 5. Definitions. As used in this Act:

7 "Covered employee" means any person who performs an average  
8 of at least 10 hours of work per week for compensation within  
9 the geographic boundaries of the State of Illinois for the same  
10 employer within the previous calendar month.

11 "Covered employer" means an employer for which an average  
12 of 20 or more persons per week perform work for compensation.  
13 In determining the number of persons performing work for an  
14 employer during a given week, all persons performing work for  
15 compensation on a full-time, part-time, or temporary basis  
16 shall be counted, including persons made available to work  
17 through the services of a temporary services or staffing agency  
18 or similar entity.

19 "Employer" means any individual, partnership, association,  
20 corporation, limited liability company, or business trust who  
21 directly or indirectly, or through an agent or any other  
22 person, employs or exercises control over wages, hours, or  
23 working conditions of an employee. "Employer" does not include

1 any governmental entity.

2 "Public transit" means any transportation system within  
3 the authority and jurisdiction of the Regional Transportation  
4 Authority.

5 "Qualified parking" means parking provided to an employee  
6 on or near the business premises of the employer or on or near  
7 a location from which the employee commutes to work by  
8 transportation on public transit. "Qualified parking" does not  
9 include parking on or near property used by the employee for  
10 residential purposes.

11 "Transit pass" means any pass, token, fare card, voucher,  
12 or similar item entitling a person to transportation on public  
13 transit.

14 Section 10. Transportation Benefits Program. All covered  
15 employers shall provide at least one of the following  
16 transportation benefit programs to covered employees:

17 (1) A program consistent with 26 U.S.C. 132(f) that  
18 allows employees to elect to exclude from taxable wages and  
19 compensation the employee's commuting costs incurred for  
20 the purchase of a transit pass to use public transit or for  
21 the purchase of qualified parking, up to a maximum level  
22 allowed by federal tax law.

23 (2) A program under which the employer supplies a  
24 transit pass for the particular qualifying public transit  
25 requested by the covered employee or reimburses the covered

1           employee for payments made for the use of qualified  
2           parking.

3           Section 99. Effective date. This Act takes effect January  
4           1, 2018.