



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2068

Introduced 2/7/2023, by Rep. Theresa Mah

SYNOPSIS AS INTRODUCED:

New Act

Creates the Transportation Benefits Program Act. Requires all covered employers to provide a program that allows a covered employee 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, up to a maximum level allowed by federal tax law. Provides that all transit agencies shall market the existence of this program and the Act to their riders in order to inform affected employees and their employers. Provides that nothing in the Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers or affect the validity or change the terms of bona fide collective bargaining agreements in force on the effective date of the Act. Defines terms. Effective January 1, 2024.

LRB103 05203 SPS 50219 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
8 average of at least 35 hours of work per week for compensation
9 on a full-time basis.

10 "Covered employer" means an employer:

11 (i) that is within: Cook County; Warren Township in
12 Lake County; Grant Township in Lake County; Frankfort
13 Township in Will County; Wheatland Township in Will
14 County; Addison Township; Bloomingdale Township; York
15 Township; Milton Township; Winfield Township; Downers
16 Grove Township; Lisle Township; Naperville Township;
17 Dundee Township; Elgin Township; St. Charles Township;
18 Geneva Township; Batavia Township; Aurora Township; Zion
19 Township; Benton Township; Waukegan Township; Avon
20 Township; Libertyville Township; Shields Township; Vernon
21 Township; West Deerfield Township; Deerfield Township;
22 McHenry Township; Nunda Township; Algonquin Township;
23 DuPage Township; Homer Township; Lockport Township;

1 Plainfield Township; New Lenox Township; Joliet Township;
2 or Troy Township; and

3 (ii) for which an average of 25 or more full-time
4 employees work for compensation in the geographic area
5 specified in item (i).

6 "Employer" means any individual, partnership, association,
7 corporation, limited liability company, government, non-profit
8 organization, or business trust who directly or indirectly, or
9 through an agent or any other person, employs or exercises
10 control over wages, hours, or working conditions of an
11 employee.

12 "Public transit" means any transportation system within
13 the authority and jurisdiction of the Regional Transportation
14 Authority.

15 "Qualified parking" means parking provided to an employee
16 on or near the business premises of the employer or on or near
17 a location from which the employee commutes to work by
18 transportation on public transit. "Qualified parking" does not
19 include parking on or near property used by the employee for
20 residential purposes.

21 "Transit pass" means any pass, token, fare card, voucher,
22 or similar item entitling a person to transportation on public
23 transit.

24 Section 10. Transportation benefits program. All covered
25 employers shall provide a program consistent with 26 U.S.C.

1 132(f) that allows a covered employee to elect to exclude from
2 taxable wages and compensation the employee's commuting costs
3 incurred for the purchase of a transit pass to use public
4 transit or for the purchase of qualified parking, up to a
5 maximum level allowed by federal tax law. A covered employer
6 may comply with this Section by participating in a program
7 offered by the Chicago Transit Authority or the Regional
8 Transportation Authority.

9 This benefit must be offered to all employees starting on
10 the employees' first full pay period after 120 days of
11 employment. All transit agencies shall market the existence of
12 this program and this Act to their riders in order to inform
13 affected employees and their employers.

14 Section 15. Application of Act. Nothing in this Act shall
15 be deemed to interfere with, impede, or in any way diminish the
16 right of employees to bargain collectively with their
17 employers through representatives of their own choosing in
18 order to establish wages or other conditions of work in excess
19 of the applicable minimum standards of the provisions of this
20 Act. Nothing in this Act shall be deemed to affect the validity
21 or change the terms of bona fide collective bargaining
22 agreements in force on the effective date of this Act. After
23 the effective date of this Act, requirements of this Act may be
24 waived in a bona fide collective bargaining agreement, but
25 only if the waiver is set forth explicitly in such agreement in

1 clear and unambiguous terms.

2 Section 99. Effective date. This Act takes effect January
3 1, 2024.