



Rep. Theresa Mah

Filed: 3/23/2017

10000HB2802ham001

LRB100 06136 JLS 24175 a

1 AMENDMENT TO HOUSE BILL 2802

2 AMENDMENT NO. _____. Amend House Bill 2802 by replacing
3 everything after the enacting clause with the following:

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 jurisdiction of the Regional
10 Transportation Authority for the same employer within the
11 previous calendar month.

12 "Covered employer" means an employer within the boundaries
13 of the Regional Transportation Authority for which an average
14 of 25 or more full-time employees for compensation. In
15 determining the number of persons performing work for an
16 employer during a given week, all persons performing work for

1 compensation on a full-time, part-time, or temporary basis
2 shall be counted, including persons made available to work
3 through the services of a temporary services or staffing agency
4 or similar entity.

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

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

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

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

22 Section 10. Transportation benefits program.

23 (a) Except as provided in subsection (b), all covered
24 employers shall provide at least one of the following
25 transportation benefit programs to covered employees:

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

7 (2) A program under which the employer supplies a
8 transit pass for the particular qualifying public transit
9 requested by the covered employee or reimburses the covered
10 employee for payments made for the use of qualified
11 parking.

12 (b) This Act does not apply to a covered employer whose
13 place of business is located in a zip code in which
14 regularly-scheduled transit service does not operate.

15 Section 15. List of zip codes. The Regional Transportation
16 Authority shall prepare a list of zip codes within the
17 geographic area of the Authority in which regularly-scheduled
18 transit service does not operate. The Authority shall publish
19 the list of zip codes on its website.

20 Section 99. Effective date. This Act takes effect January
21 1, 2018."