



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5518

by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Transportation Benefit Program Act. Provides that an employer that is situated in Cook County or specified townships and for which an average of 25 or more full-time employees work for compensation shall offer 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 a covered employer may comply by participating in a program offered by the Chicago Transit Authority or the Regional Transit Authority. Provides that all transit agencies shall market the existence of the program to their riders. Effective January 1, 2019.

LRB100 18151 JLS 33346 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 Benefit 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 35 hours of work per week for compensation on a  
9 full-time basis.

10 "Covered employer" means an employer:

11 (i) that is situated in Cook County; Warren Township in  
12 Lake County; Grant Township in Lake County; Frankfort  
13 Township in Will County; Wheatland Township in Will County;  
14 Addison Township; Bloomingdale Township; York Township;  
15 Milton Township; Winfield Township; Downers Grove  
16 Township; Lisle Township; Naperville Township; Dundee  
17 Township; Elgin Township; St. Charles Township; Geneva  
18 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 that 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 "Transportation benefit program" means any of the  
25 following provided by an employer to an employee:

26 (1) Any transit pass.

1 (2) Qualified parking.

2 (3) Cash reimbursement by an employer to an employee  
3 for a benefit described in item (1) and (2).

4 Section 10. Transportation benefit program. A covered  
5 employer shall provide a transportation benefit program that  
6 allows a covered employee to elect to exclude from taxable  
7 wages and compensation the employee's commuting costs incurred  
8 for the purchase of a transit pass to use public transit or for  
9 the purchase of qualified parking, up to the maximum exclusion  
10 or deduction allowed to an employee by federal tax law. A  
11 covered employer may comply with this Section by participating  
12 in a program offered by the Chicago Transit Authority or the  
13 Regional Transportation Authority.

14 This benefit must be offered to all employees starting on  
15 the employees' first full pay period after 120 days of  
16 employment. All transit agencies shall market the existence of  
17 this program and this Act to their riders in order to inform  
18 affected employees and their employers.

19 Section 15. Application of Act. Nothing in this Act shall  
20 be deemed to interfere with, impede, or in any way diminish the  
21 right of employees to bargain collectively with their employers  
22 through representatives of their own choosing in order to  
23 establish wages or other conditions of work in excess of the  
24 applicable minimum standards of the provisions of this Act.

1 Nothing in this Act shall be deemed to affect the validity or  
2 change the terms of bona fide collective bargaining agreements  
3 in force on the effective date of this Act. After the effective  
4 date of this Act, requirements of this Act may be waived in a  
5 bona fide collective bargaining agreement, but only if the  
6 waiver is set forth explicitly in such agreement in clear and  
7 unambiguous terms.

8 Section 99. Effective date. This Act takes effect January  
9 1, 2019.