

AN ACT concerning business.

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

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

Section 5. Definitions. As used in this Act:

"Covered employee" means any person who performs an average of at least 35 hours of work per week for compensation on a full-time basis.

"Covered employer" means any individual, partnership, association, corporation, limited liability company, government, non-profit organization, or business trust that directly or indirectly, or through an agent or any other person, employs or exercises control over wages, hours, or working conditions of an employee, and that:

(1) is located in: Cook County; Warren Township in Lake County; Grant Township in Lake County; Frankfort Township in Will County; Wheatland Township in Will County; Addison Township; Bloomingdale Township; York Township; Milton Township; Winfield Township; Downers Grove Township; Lisle Township; Naperville Township; Dundee Township; Elgin Township; St. Charles Township; Geneva Township; Batavia Township; Aurora Township; Zion

Township; Benton Township; Waukegan Township; Avon Township; Libertyville Township; Shields Township; Vernon Township; West Deerfield Township; Deerfield Township; McHenry Township; Nunda Township; Algonquin Township; DuPage Township; Homer Township; Lockport Township; Plainfield Township; New Lenox Township; Joliet Township; or Troy Township; and

(2) employs 50 or more covered employees in a geographic area specified in paragraph (1) at an address that is located within one mile of fixed-route transit service.

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

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

Section 10. Transportation benefits program. All covered employers shall provide a pre-tax commuter benefit to covered employees. The pre-tax commuter benefit shall allow employees to use pre-tax dollars for the purchase of a transit pass, via payroll deduction, such that the costs for such purchases may be excluded from the employee's taxable wages and compensation up to the maximum amount permitted by federal tax law, consistent with 26 U.S.C. 132(f) and the rules and regulations

promulgated thereunder. A covered employer may comply with this Section by participating in a program offered by the Chicago Transit Authority or the Regional Transportation Authority.

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

Section 15. Regional Transit Authority map. The Regional Transportation Authority shall make publicly available a searchable map of addresses that are located within one mile of fixed-route transit service.

Section 20. Application of Act. Nothing in this Act shall be deemed to interfere with, impede, or in any way diminish the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum standards of the provisions of this Act. Nothing in this Act shall be deemed to affect the validity or change the terms of bona fide collective bargaining agreements in force on the effective date of this Act. After the effective date of this Act, requirements of this Act may be waived in a bona fide collective bargaining agreement, but

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only if the waiver is set forth explicitly in such agreement in clear and unambiguous terms.

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