

SENATE No. 1218

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act expanding access to commuter transit benefits offered by employers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/2/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/6/2021</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>3/10/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>3/16/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>

SENATE No. 1218

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1218) of John F. Keenan, Jack Patrick Lewis, James B. Eldridge, Michael O. Moore and other members of the General Court for legislation to expand access to commuter transit benefits offered by employers. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act expanding access to commuter transit benefits offered by employers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 149 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting after section 203 the following section:-

3 Section 204 (a) As used in this section, the following words, unless the context clearly
4 requires otherwise, shall have the following meanings:-

5 “Employee”, any person who performs services for an employer for wage, remuneration,
6 or other compensation, including employees employed by a municipality, district, political
7 subdivision or its instrumentalities.

8 “Employer”, any individual, corporation, partnership or other private or public entity,
9 including any agent thereof, who engages the services of an employee for wages, remuneration
10 or other compensation, and including a municipality, district, political subdivision or its
11 instrumentalities; except the United States government shall not be considered an employer;

12 provided, however, that an individual employer shall be determined by the Federal Employer
13 Identification Number.

14 “Pre-tax transportation fringe benefit”, a pre-tax election transportation fringe benefit that
15 provides commuter highway vehicle and transit benefits, consistent with the provisions and
16 limits of section 132(f)(1)(A)(B)(D) of the United States Internal Revenue Code of 1986 (26
17 U.S.C. s.132(f)(1)(A)(B)(D)) at the maximum benefit levels allowable under federal law, to be
18 deducted for those programs from an employee’s gross income pursuant to section 132(f)(2) of
19 the United States Internal Revenue Code of 1986 (26 U.S.C. s.132(f)(2)).

20 (b) Every employer in the Commonwealth of Massachusetts that employs at least 20
21 persons shall offer to all of that employer’s employees, that are not covered by a collective
22 bargaining agreement, the opportunity to utilize a pre-tax transportation fringe benefit; provided,
23 nothing herein shall prevent an employer and employees covered by a collective bargaining
24 agreement from bargaining to include a pre-tax transportation fringe benefit in such agreement.

25 (c) Any employer found to be in violation of this section shall be liable for a fine of \$100
26 for a first violation. For each additional month in which an employer fails to offer a pre-tax
27 transportation fringe benefit shall constitute a subsequent violation and a fine of \$250 shall be
28 imposed for each subsequent violation. A fine shall not be imposed on any individual employer
29 more than once in a month.

30 (d) The Executive Office of Labor and Workforce Development shall direct a public
31 multilingual awareness campaign in conjunction with the Massachusetts Bay Transportation
32 Authority that encourages the public to contact employers about pre-tax transportation fringe
33 benefits and shall coordinate such campaign with regional planning agencies, transportation

34 management associations, regional transportation authorities, chambers of commerce, private
35 and non-profit providers of public transportation, and other transportation stakeholders. The
36 Office shall prepare and disseminate model multilingual written materials to be used by
37 employers to notify employees of the pre-tax transportation fringe benefits offered.

38 (e) The Secretary of Labor and Workforce Development shall adopt regulations to ensure
39 compliance and implementation of the provisions of this section, including but not limited to,

40 (1) a process by which employees and others can confidentially report non-compliant
41 employers.

42 SECTION 2. Subsection (c) of Section 1 shall take effect one year after the passage of
43 this act.