# **SENATE . . . . . . . . . . . . . . . . . . No. 1193**

### 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:	
John F. Keenan	Norfolk and Plymouth	
Steven Owens	29th Middlesex	1/25/2023
Patrick M. O'Connor	First Plymouth and Norfolk	2/9/2023
Rebecca L. Rausch	Norfolk, Worcester and Middlesex	7/8/2023

## **SENATE . . . . . . . . . . . . . . . . . . No. 1193**

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1193) of John F. Keenan, Steven Owens and Patrick M. O'Connor for legislation to expand access to commuter transit benefits offered by employers. Labor and Workforce Development.

# [SIMILAR MATTER FILED IN PREVIOUS SESSION SEE SENATE, NO. 2720 OF 2021-2022.]

### The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court (2023-2024)

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 2020 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", shall have the same meaning as provided in clause (h) of section 1 of

6 chapter 151A.

- 7 "Employer", shall have the same meaning as provided in subsection (i) of section 1 of
- 8 chapter 151A; except the United States government shall not be considered an employer;

9 provided, however, that an individual employer shall be determined by the Federal Employer10 Identification Number.

11	"Pre-tax transportation fringe benefit," a pre-tax election transportation fringe benefit that
12	provides commuter highway vehicle and transit benefits, consistent with the provisions and
13	limits of section 132(f)(1)(A), (B), and (D) of the United States Internal Revenue Code of 1986
14	(26 U.S.C. s.132(f)(1)(A), (B), and (D)) at the maximum benefit levels allowable under federal
15	law, to be deducted for those programs from an employee's gross income pursuant to section
16	132(f)(2) of the United States Internal Revenue Code of 1986 (26 U.S.C. s.132(f)(2)).
17	(b) Every employer in the commonwealth of Massachusetts that employs at least 50
18	persons shall offer to all of that employer's employees, that are not covered by a collective
19	bargaining agreement, the opportunity to utilize a pre-tax transportation fringe benefit; provided,
20	nothing herein shall prevent an employer and employees covered by a collective bargaining
21	agreement from bargaining to include a pre-tax transportation fringe benefit in such agreement.
22	(c) Any employer found to be in violation of this section shall be liable for a fine of \$100
23	for a first violation. For each additional month in which an employer fails to offer a pre-tax
24	transportation fringe benefit shall constitute a subsequent violation and a fine of \$250 shall be
25	imposed for each subsequent violation. A fine shall not be imposed on any individual employer
26	more than once in a month.
27	(d) The department of revenue shall direct a public multilingual awareness campaign in

(d) The department of revenue shall direct a public multilingual awareness campaign in
 conjunction with the Massachusetts Bay Transportation Authority that encourages the public to
 contact employers about pre-tax transportation fringe benefits and shall coordinate such
 campaign with regional planning agencies, transportation management associations, regional

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transportation authorities, chambers of commerce, private and non-profit providers of public
transportation, and other transportation stakeholders. The department of revenue shall prepare
and disseminate model multilingual written materials to be used by employers to notify
employees of the pre-tax transportation fringe benefits offered.

- (e) The commissioner of the department of revenue shall adopt regulations to ensure
   compliance and implementation of the provisions of this section, including but not limited to, a
   process by which employees and others can confidentially report non-compliant employers.
- 38 SECTION 2. Subsection (c) of Section 1 shall take effect one year after the passage of39 this act.