

2019 -- H 5918

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ESTABLISHING THE "COMMUTER
TRANSPORTATION BENEFITS ACT"

Introduced By: Representatives Noret, Shekarchi, Serodio, Amore, and Abney

Date Introduced: March 28, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 58

4 THE COMMUTER TRANSPORTATION BENEFITS ACT

5 **28-58-1. Short title.**

6 This chapter shall be known and may be cited as the "Commuter Transportation Benefits
7 Act."

8 **28-58-2. Definitions.**

9 As used in this chapter:

10 (1) "Covered employer" means an employer with twenty (20) or more employees
11 assigned, scheduled to work, working or situated at the employer's place of business or work
12 site(s) located within the state.

13 (2) "Director" means the director of the department of labor and training.

14 (3) "Employee" shall have the same meaning as provided in § 28-12-2.

15 (4) "Employer" shall have the same meaning as provided in § 28-12-2.

16 (5) "Pre-tax transportation fringe benefit" means a pre-tax election transportation fringe
17 benefit that provides commuter highway vehicle and transit benefits, consistent with the
18 provisions and limits of § 132(f)(1) of the Internal Revenue Code of 1986 (26 U.S.C. §132(f)(1))

1 at the maximum benefit levels allowable under federal law, to be deducted for those programs
2 from an employee's gross income pursuant to § 132(f)(2) of the Internal Revenue Code of 1986
3 (26 U.S.C. § 132(f)(2)).

4 (6) "Transit pass" means a pass for travel by bus or vehicle operated by the Rhode Island
5 public transit authority (RIPTA).

6 **28-58-3. Commuter employee transportation benefit.**

7 (a) Except as provided in subsection (b) of this section, every covered employer with
8 twenty (20) or more employees shall offer employees at least one of the following benefit
9 programs:

10 (1) A pre-tax transportation fringe benefit program that provides commuter transit
11 benefits consistent with § 132(f)(1) of the Internal Revenue Code of 1986 (26 U.S.C. § 132(f)(1))
12 at the maximum benefit levels allowable under federal law, to be deducted from an employee's
13 gross income pursuant to § 132(f)(2) of the Internal Revenue Code of 1986 (26 U.S.C. §
14 132(f)(2));

15 (2) An employer-paid benefit program whereby the employer supplies a transit pass for
16 each covered employee for travel to and from the employer's place of business or work site; or

17 (3) Employer-provided transportation at no cost to the covered employee in a van or bus
18 operated by or for the employer.

19 (b) Subsection (a) of this section shall not apply to:

20 (1) The government of the United States;

21 (2) The state of Rhode Island including any office, department, agency, authority,
22 institution, association, society or other body of the state;

23 (3) Any local government or entity;

24 (4) Any group of employees covered by a collective bargaining agreement in effect on
25 January 1, 2020, until the expiration of the collective bargaining agreement; or

26 (5) Any employer who has demonstrated to the satisfaction of the director that the
27 offering of such benefits would result in a severe financial hardship for the employer.

28 **28-58-4. Rules and regulations.**

29 The director shall promulgate rules and regulations as he or she deems necessary to
30 effectuate the provisions of this chapter.

31 **28-58-5. Civil penalty.**

32 Any employer found to be in violation of the provisions of this chapter shall be liable for
33 a civil penalty of not less than one hundred dollars (\$100) and not more than two hundred fifty
34 dollars (\$250) for a first violation. An employer shall have ninety (90) days to offer a pre-tax

1 transportation fringe benefit before the civil penalty is imposed. After ninety (90) days, each
2 additional thirty (30) day period in which an employer fails to comply with the provisions of this
3 chapter shall constitute a subsequent violation and a civil penalty of two hundred fifty dollars
4 (\$250) shall be imposed for each subsequent violation. A civil penalty shall not be imposed on
5 any single employer more than once in any thirty (30) day period.

6 **28-58-6. Public awareness campaign.**

7 The department of transportation, in conjunction with the department of labor and
8 training, shall conduct a public awareness campaign encouraging the public to contact employers
9 about commuter transportation benefits.

10 SECTION 2. This act shall take effect on January 1, 2020.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- ESTABLISHING THE "COMMUTER
TRANSPORTATION BENEFITS ACT"

1 This act would establish the commuter transportation benefit act. Employers with twenty
2 (20) or more employees would provide a pre-tax transportation fringe benefit program or provide
3 transportation to the employees.

4 This act would take effect on January 1, 2020.

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