

HOUSE BILL 339

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M3

2002 Regular Session  
(21r0278)

**ENROLLED BILL**

-- Ways and Means/Budget and Taxation --

Introduced by **Delegates Carlson, Barkley, Bozman, Bronrott, Cryor, Finifter,  
Hixson, Hurson, Morhaim, Patterson, Phillips, Rosso, and Zirkin**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER 507

1 AN ACT concerning

2 **Commuter Benefits Act 2002**

3 FOR the purpose of altering the maximum tax credit per employee that a business  
4 entity may claim for certain costs of providing certain commuter benefits to the  
5 business entity's employees; requiring the Secretary of the Environment in  
6 consultation with the Secretary of Transportation to include a certain tax credit  
7 in a certain State plan; requiring the Department of the Environment and the  
8 Department of Transportation to implement a certain marketing plan and to  
9 submit a certain report by a certain date; providing for the application of this  
10 Act; and generally relating to certain tax credits for employer-provided  
11 commuter benefits.

12 BY repealing and reenacting, with amendments,  
13 Article - Environment  
14 Section 2-901  
15 Annotated Code of Maryland

1 (1996 Replacement Volume and 2001 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
3 MARYLAND, That the Laws of Maryland read as follows:

4 **Article - Environment**

5 2-901.

6 (a) In this section the following words have the meanings indicated.

7 (1) "Business entity" means:

8 (i) A person conducting or operating a trade or business in  
9 Maryland; or

10 (ii) An organization operating in Maryland that is exempt from  
11 taxation under § 501(c)(3) or (4) of the Internal Revenue Code.

12 (2) "Cash in lieu of parking program" means an employer-funded  
13 program under which an employer offers to provide a cash allowance to an employee  
14 in an amount equal to the parking subsidy that the employer would otherwise pay or  
15 incur to provide the employee a parking space.

16 (3) "Guaranteed ride home" means immediate transportation provided  
17 by a business entity for an employee who:

18 (i) Receives any of the commuter benefits described in subsection  
19 (b)(1) or (2) of this section or commutes by way of a nonmotorized method of  
20 transportation; and

21 (ii) Is required to leave work early for illness or other verifiable  
22 reason.

23 (4) "Instrument" means a pass, token, fare card, voucher, or similar item.

24 (5) "Parking subsidy" means:

25 (i) The difference between the out-of-pocket amount paid by an  
26 employer on a regular basis to secure the availability of an employee parking space  
27 not owned by the employer and the price charged to the employee for use of that  
28 space; or

29 (ii) For parking owned or leased by the employer as an integral part  
30 of a larger facility, the fair market value of a parking space provided by the employer  
31 for parking commuter vehicles, as determined:

32 1. By considering typical costs paid or incurred by users of  
33 nearby equivalent paid parking spaces, by evaluating the annual amortized cost of



1       (a)       The Secretary of the Environment in consultation with the Secretary of  
2 Transportation shall include the tax credit under § 2-901 of the Environment Article  
3 in the State's plan for meeting the requirements of the federal Clean Air Act  
4 Amendments of 1990.

5       (b)       The Department of the Environment and the Department of Transportation  
6 shall implement an extensive outreach program to market the benefits of the tax credit  
7 under § 2-901 of the Environment Article and shall report to the General Assembly on  
8 or before January 1, 2003, in accordance with § 2-1246 of the State Government  
9 Article, on the implementation and effectiveness of the outreach program.

10       SECTION ~~2~~. 3. AND BE IT FURTHER ENACTED, That this Act shall take  
11 effect July 1, 2002, and shall be applicable to all taxable years beginning after  
12 December 31, 2001.