

## Proposed Wording for a Bylaw to Amend Calgary Transit Bylaw 4M81

1. After section 16.2 the following is added as sections 16.3 and 16.4:

### **“Early Payment Option**

- 16.3 (1) Where an *Officer* believes that a person has contravened Section 9(1) of this Bylaw, the Officer may commence proceedings against the person by issuing a transit tag to the person.
- (2) A tag must set out a specified penalty for the contravention, and may provide for early payment amounts.
- (3) If a person who contravened Section 9(1) of this Bylaw pays the early payment amount or the specified penalty amount, within the times and in the manner set out on the transit tag, that payment will be accepted in place of prosecution under the Provincial Offences Procedures Act R.S.A c. p- 34.
- (4) If payments referred to in subsection (3) are not made within the times and in the manner set out on the transit tag, a Violation Ticket may be issued to the person who was issued the transit tag in accordance with the Provincial Offences Procedures Act R.S.A c. p- 34.
- (5) Nothing in this section shall:
  - (a) prevent any person from exercising their right to defend any charge of committing a breach of Section 9(1) of this Bylaw; or
  - (b) prevent an Officer, in lieu of serving a transit tag, from issuing a Violation Ticket to a person pursuant to the Provincial Offences Procedures Act R.S.A c. p-34.
- (6) The specified penalties and early payment amounts for a contravention of Section 9(1) of this Bylaw, are as set out in Schedule “B”, which shall form part of this Bylaw.

### **Administrative Review**

- 16.4 (1) The *Director, Calgary Transit* is authorized to conduct an administrative review of transit tags that have been issued pursuant to this Bylaw and this review includes the power to cancel these transit tags.
- (2) An administrative review may include reviewing the circumstances of the person who was issued a transit tag, including that person’s ability to pay

the penalty, and the interests of the administration of justice in proceeding with the tag.

- (3) The *Director, Calgary Transit* may delegate the power to conduct an administrative review pursuant to this section.”

2. In Schedule “A”, under the headings indicated, the following is deleted:

OFFENCE		MINIMUM PENALTY	SPECIFIED PENALTY
Section	Description		
“9(1)	Fare Evasion	\$150.00	\$250.00”

3. The following table is added after Schedule “A”:

**“SCHEDULE “B”**

Section	Offence	Early Payment Amount 1 (if paid within 15 days after the date of the offence)	Early Payment Amount 2 (if paid 16 to 45 days after the date of the offence)	SPECIFIED PENALTY
9(1)	Fare Evasion	\$150.00	\$200.00	\$250.00”

4. This Bylaw comes into force on the day it is passed.