



February 28, 2022

## Industry Advisory – Licence and Truck Tag Requirements

This advisory is notice of how the Office of the BC Container Trucking Commissioner (“OBCCTC”) interprets “container” and is intended to assist in the identification of container movements that attract the Commissioner’s rates and require a Container Trucking Services Licence (“CTS Licence”) and truck tag.

### **Background**

One of the main purposes of the *Container Trucking Act* (the “Act”) is to regulate driver pay rates and working conditions for those who provide container trucking services in the Lower Mainland. The legislative requirements are enforced in part through the CTS Licence and associated truck tags. The legislative requirements cannot be avoided, and the purpose of the Act will be unfulfilled if containers are being trucked in the Lower Mainland by unlicensed carriers or licensees using untagged trucks.

On April 17, 2020 the OBCCTC issued a bulletin advising that all trucks performing container trucking services under licence must be tagged. On November 29, 2021, the OBCCTC issued a bulletin reminding stakeholders that companies must not perform container trucking services without a licence.

The OBCCTC has received queries about which containers must be moved under license using a tagged truck with particular focus on off-dock container movements. Some stakeholders have questioned whether they are providing container trucking services if they are using containers that they have purchased or leased or if they have gone into the business of shipping their own containers.

The OBCCTC is also aware that there have been changes in the Lower Mainland drayage supply chain, including the increased positioning of empty containers that are arriving in the Lower Mainland by rail.

The OBCCTC considers the definitions of “container trucking services” and “container” in the Act and *Container Trucking Regulation* (the “Regulation”) when deciding what container moves attract the Commissioner’s rate and must be made under licence, using a tagged truck.

### **Analysis**

“Container trucking services” are defined in the Act as:

“the transportation of a container by means of a truck”

A “container” is defined in the *Container Trucking Regulation* as:

“a metal box furnished or approved by an ocean carrier for the marine transportation of goods”<sup>1</sup>

The OBCCTC considers containers to be “furnished by an ocean carrier” if they are supplied, sold, leased, given, prescribed, ordered, provided, or directed for use by an ocean carrier. This list is not exhaustive.

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<sup>1</sup> See also OBCCTC Bulletin “Open Top Containers and Flat Racks”, December 9, 2016.

The OBCCTC considers containers to be “approved” by an ocean carrier if they have been or will be transported on the ocean, are owned by, furnished by, accepted for use by, or will be accepted for use by, an ocean carrier. This list is not exhaustive.

The OBCCTC considers “ocean carriers” to include entities responsible for transporting a container, whether or not they are primarily in the business of ocean transport.

“Container trucking services” includes the transportation of a container by means of a truck, regardless of whether the move is on or off-dock.

In assessing which container movements attract the Commissioner’s rates and require a CTS Licence and truck tag, stakeholders should also consider whether the move is between locations listed in the on or off-dock rate tables.

Sincerely,

**OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER**



Michael Crawford  
Commissioner



Sheryl Kozyniak  
Deputy Commissioner