



U.S. Department
of Transportation


Memorandum

Federal Motor Carrier
Safety Administration

Subject: **ACTION:** Licencia Federal de Conductor
Enforcement Policy

Date:

JUN 092008

From: 
William Quade

Associate Administrator for Enforcement
and Program Delivery

Reply to

Attn. of: MC-ESB

To: Assistant Administrator and Chief Safety Officer
Associate Administrator for Field Operations
MC-E Office Directors/Division Chiefs
Assistant Chief Counsel for Enforcement and Litigation
Field Administrators
Division Administrators/State Director
National Enforcement Team
National Training Center

PURPOSE

This memorandum consolidates and supersedes all previous guidance related to the electronic verification of the status and validity of the Mexican *Licencia Federal de Conductor* (LF) of each Mexico-domiciled driver of a commercial motor vehicle (CMV) operating in the United States (U.S.)

BACKGROUND

The Federal Motor Carrier Safety Administration (FMCSA) recognizes the LF as equivalent to a U.S. Commercial Driver's License (CDL)¹. Mexico-domiciled drivers may operate CMVs in the U.S. with the LF, provided the Mexico-domiciled motor carrier for which they drive is authorized to operate in the U.S. Because the LF and the CDL are not identical in scope, FMCSA requires Mexico-domiciled drivers operating in the U.S. to hold an LF if they would be required to hold an LF to drive the same vehicle in Mexico.

The FMCSA Assistant Administrator and Chief Safety Officer issued an enforcement policy memorandum on October 24, 2001, titled "*Licencia Federal de Conductor Enforcement Policy*" to provide direction for verifying the LF of a Mexico-domiciled driver operating a CMV defined in 49 CFR part 383. On November 25, 2006, the FMCSA Associate Administrator for

¹ See 49 CFR 383.23(b)(1)

Enforcement and Program Delivery issued a policy memorandum titled "*Mexican Licencia Federal de Conductor Enforcement Policy Clarification*" affirming that Mexico-domiciled drivers are required, with certain exceptions, to possess an LF when operating vehicles in the U.S. with gross vehicle weights (GVW) between 10,001 and 26,000 pounds².

Mexico requires an LF for bus and truck drivers on its Federal roads, with the exceptions for private motor carriers discussed below. All Mexican roads connecting to U.S. roads are Federal roads. If Mexico does not require a driver to possess an LF, he or she must have a valid Mexican State license.

Although this memorandum provides a written description of the process to be used to evaluate whether an LF is required, you may prefer to use the flow chart in Attachment 1, which generates essentially the same results in visual form. The flow chart should be used in conjunction with the written explanation below.

Mexico-domiciled drivers for private motor carriers are not required to possess an LF - unless:

- The vehicle has a GVW exceeding 26,000 lbs; or
- The vehicle is transporting placardable quantities of hazardous materials; or
- The passenger vehicle has a seating capacity (not the actual load) of 9 passengers or more (10 or more, including the driver); or
- The vehicle is operated by a sole-proprietor and has a cargo capacity of more than 8,818 lbs. (4,000 kilograms), i.e. a gross vehicle weight rating (GVWR) of 14,500 lbs. or more; or
- The vehicle is operated by a corporation and has a cargo capacity of more than 17,637 lbs. (8,000 kilograms), i.e. a GVWR of 26,000 lbs. or more.

Because the cargo capacity referred to in the bullets above is not the same as the U.S GVW or GVWR, we have used vehicle manufacturer's data (See attachment 2) to determine the following:

- A CMV with a maximum cargo capacity of 8,818 lbs. (4,000 kilograms), has a minimum GVWR of 14,500 lbs, and
- A CMV with a maximum cargo capacity of 17,637 lbs. (8,000 kilograms) has a minimum GVWR of 26,000 pounds.

For practical purposes and when cargo capacity is not readily available, enforcement personnel should refer to the GVWR values instead of the cargo capacity.

² Mexico-domiciled drivers of a vehicle transporting placardable quantities of hazardous materials must always possess an LF, irrespective of the vehicle's cargo capacity, weight rating or actual weight.

APPLICABILITY

Part 383:

Every Mexico-domiciled driver operating a CMV, as defined in 49 CFR part 383, in the U.S. must have a valid LF issued by Mexico's Direccion General de Autotransporte Federal (DGAF) and recorded in the Licencia Federal Infonnation System (LIFIS) with the proper vehicle class, and without any restrictions for operating in the U.S.

Part 391:

With the exception of drivers of certain vehicles operated by private motor carriers as described above, every Mexico-domiciled driver operating a CMV, as defined in 49 CFR part 390, in the U.S. must have a valid LF issued by the DGAF and recorded in the LIFIS with the proper vehicle class, and without any restrictions for operating in the U.S.

POLICY

To detennine if the driver is required to possess an LF, all Federal and State enforcement personnel should follow the steps below to make their detennination.

Step 1: Detennine whether the vehicle is subject to FMCSA jurisdiction, based on the CMV definition in 49 CFR § 383.5. If so, the driver must possess an LF. If not, go to Step 2.

Step 2: Detennine whether the vehicle is subject to FMCSA jurisdiction, based on the CMV definition in 49 CFR § 390.5. If not, an LF is not required. If the CMV has a GVWRIGCWR between 10,001lbs and 26,000 lbs., go to Steps 3,4, and 5, as appropriate.

Step 3: Detennine whether the carrier's operation is private or for-hire. If the arrier's operation is for-hire, the driver is required to possess an LF. If the carrier's operation is private, go to Steps 4 and 5.

Step 4: If the carrier provides private transportation of passengers, detennine the seating capacity of the CMV:

- If the CMV seating capacity is 8 or less (9 or less, including the driver), an LF is not required.
- If the CMV seating capacity is 9 or more (10 or more, including the driver) an LF is required.

Step 5: If the carrier provides private transportation of property, detennine the following;

- Is the carrier as a corporation? If yes, an LF is not required.
- Is the carrier as a sole-proprietorship?
 - o If yes, is the GVWR of the CMV used in that operation equal or greater than 14,500 lbs.? If yes, the driver is required to possess an LF. If no, the driver is not required to possess an LF.

Please refer to Attachment 1 for a flow chart of these steps and the subsequent notes for further information to complete these steps.

VIOLATIONS:

Drivers operating in violation of Part 383 should be cited for a violation of § 383.23(a)(2).

Drivers operating in violation of Part 391 should be cited for a violation of § 391.11(b)(5).

EFFECTIVE DATE:

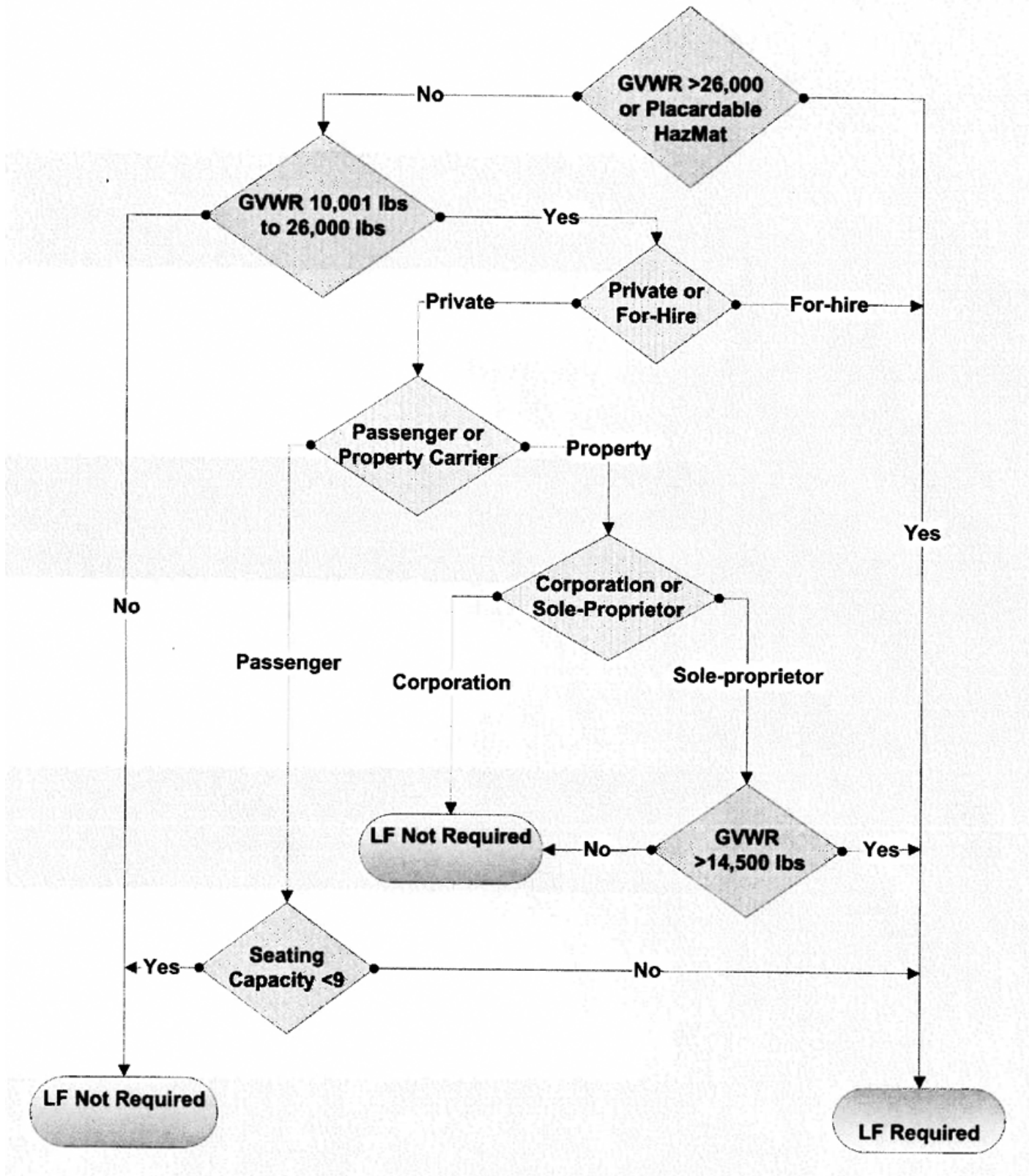
This policy will take effect immediately. Law enforcement personnel should cite violations outlined in this memorandum on the ASPEN inspection report during the initial 60-day period from the date of this memorandum, but not place drivers out of service. On the 61st day following the date of this memorandum, all enforcement personnel should continue to cite the violations outlined in this memorandum, and place drivers out of service in accordance with the North American Standard Out-of-Service Criteria.

Effective immediately, drivers of Mexican motor carriers operating in the cross-border demonstration project will be cited for the violations outlined in this memorandum, and placed out-of-service in accordance with the North American Standard Out-of-Service Criteria.

We encourage you to work closely with your State Motor Carrier Safety Assistance Program (MCSAP) partners in the implementation of this policy. If you have any questions or need additional information, please contact the North American Borders Division at (202) 366-0318.

H:/Border Division Documents/Policy Memos\Memorandum Consolidated **LF** Policy 050608

Is the Licencia Federal (LF) Required?



NOTES

Steps 1 & 2: Inspectors should review the cab card to determine the GVWR. The GVWR is the sum of the unladed vehicle weight or *PESO VEHICULAR* and the cargo capacity or *CAPACIDAD, TONELADAS*.

- Each metric ton listed in the cab card equals 1,000 kilograms.
- To convert kilograms to pounds, multiply the kilograms times 2.2045.
- To convert pounds to kilograms, divide the pounds by 2.2045.

Step 3: Mexico issues a unique cab card for private carriers versus for-hire carriers. (See Attachments 3 and 4)

- The private carrier cab card reads at the top: *SERVICIO PARTICULAR*; and
- The for-hire carrier cab card reads: *SERVICIO PUBLICO FEDERAL*.

Inspectors should review the cab card to determine the CMV seating capacity. The seating capacity is listed in the row *CAPACIDAD* under the column *PERSONAS*.

Steps 5 & 6: To determine if the Mexican carrier is a corporation or a sole-proprietor, inspectors may review the cab card (*TARJETA DE CIRCULACION*) and look for the *Registro Federal de Contribuyentes (Reg. Fed Cont., Reg. Fed, RFC)*

- If the RFC starts with three letters, then it is a corporation;
- If the RFC starts with four letters, then it is a sole-proprietor.

Inspectors should examine all available paperwork, including the vehicle registration, and interview the driver to determine whether the motor carrier is a sole proprietorship or corporation.

MAKE	MODEL	(GVWR)		CAPACITY		UNLADEN VEHICLE WEIGHT	
		Lbs	Kgs	Lbs	Kgs	Lbs	Kg
International	7600	66,000	29,997	48,627	22,101	17,373	7,896
Sterling, Mercedes Benz	M8500	53,000	24,089	39,386	17,901	13,614	6,188
International	4400	48,000	21,816	35,059	15,934	12,941	5,882
VW	Camien 17.250	50,706	23,000	34,987	15,870	15,719	7,144
GMC Medium Duty	8500 Tandem	61,000	27,725	34,000	15,453	27,000	12,272
Freightliner, Mercedes Benz	M235K	35,000	15,909	24,930	11,331	10,070	4,577
Sterling, Mercedes Benz	M7500	35,000	15,908	24,843	11,291	10,157	4,616
Chevrolet	Kodiak Clase 7 Y 8	32,935	14,969	22,596	10,270	10,339	4,699
International	4200	33,000	14,999	22,456	10,206	10,544	4,792
VW	Camien 15.190	31,967	14,500	21,936	9,950	10,031	4,559
GMC Medium Duty	8500	42,000	19,089	21,000	9,545	21,000	9,545
Sterling, Mercedes Benz	M6500	26,000	11,817	18,253	8,296	7,747	3,521
GMC Medium Duty	7500	37,600	17,089	17,640	8,017	19,960	9,072
Ford	F650 Super Duty (Class 6)	26,000	11,817	17,600	8,000	8,400	3,818
International	4200	25,500	11,590	15,900	7,227	9,600	4,363
GMC Medium Duty	6500	25,095	11,406	15,000	6,818	10,095	4,588
Chevrolet	Kodiak Clase 6	23,853	10,841	14,974	6,806	8,895	4,043
Ford	F650 Proloader	22,000	10,000	13,700	6,227	8,300	3,772
GMC Medium Duty	4500	17,500	7,954	13,500	6,136	4,000	1,818
GMC Medium Duty	5500	26,000	11,817	13,500	6,136	12,500	5,681
Ford	Super Duty F550 Diesel	18,987	8,630	12,690	5,768	6,297	2,862
VW	Camien 8.150	17,967	8,150	11,155	5,070	6,812	3,090
DODGE	RAM Chassis Cab 5500	18,750	8,522	10,946	4,975	7,804	3,547
Ford	Super Duty F450	15,987	7,266	9,562	4,346	6,425	2,920
Ford	E-450 SD	14,500	6,590	9,100	4,136	5,400	2,454
Mitsubishi	FE145	14,500	6,590	8,505	3,866	5,995	2,725
ISUZU	ELF 300 L	11,441	5,200	7,327	3,330	4,114	1,870
DODGE	RAM 5.9L 4000 DIESEL	13,274	6,033	7,173	3,260	6,101	2,773
DODGE	RAM Chassis Cab 4500	15,000	6,818	7,169	3,258	7,831	3,559
DODGE	RAM 5.7L 4000	12,574	5,715	7,151	3,250	5,424	2,465
Mitsubishi	FE125	12,500	5,681	6,600	3,000	5,900	2,682
FORD	F-450 Super Duty	14,500	6,590	6,120	2,782	8,380	3,809
Chevrolet	C-3500	11,375	5,170	5,846	2,657	5,529	2,513
CHEVROLET	SILVERADO 3500 HD	9,700	4,409	4,608	2,094	5,092	2,314
GMC	SIERRA 3500	9,900	4,500	4,608	2,094	5,292	2,405
NISSAN	CABSTAR	8,361	3,800	4,530	2,059	3,831	1,741
FORD	F-350 4X2	10,000	4,545	4,220	1,918	5,780	2,627
CHEVROLET	SILVERADO 2500 HD	9,200	4,181	3,892	1,769	5,308	2,412
GMC	SIERRA 2500	9,200	4,181	3,892	1,769	5,308	2,412
DODGE	RAM SLT Q CAB 5.9L 2500	8,783	3,992	3,661	1,664	5,122	2,328
DODGE	DODGE H100 CHASIS	6,645	3,020	3,410	1,550	3,234	1,470
FORD	F-250 4X2	9,000	4,091	3,130	1,423	5,870	2,668
FORD	F1504X2	8,200	3,727	3,080	1,400	5,120	2,327
DODGE	DODGE H100 PICK-UP	6,645	3,020	2,948	1,340	3,696	1,680
TOYOTA	HILUX	5,875	2,670	2,332	1,060	3,542	1,610
DODGE	RAM ST 3.7L V6 1500	6,785	3,084	2,301	1,046	4,484	2,038
CHEVROLET	SILVERADO 1500	6,400	2,909	1,947	885	4,453	2,024
GMC	SIERRA 1500	6,400	2,909	1,947	885	4,453	2,024

Sample Light Truck Weight Data Sources:

Sources:

Chevrolet

<http://www.chevroletcamiones.com.mx>

Dodge

<http://www.dodge.com.mx>

Ford

<https://www.fleetford.com>

Freightliner

<http://www.freightliner.com.mx>

GMC

<http://www.gmc.com>

International

<http://www.internationalcamiones.com>

Isuzu

<http://www.isuzumex.com.mx>

Mitsubishi

<http://www.mitsubishimotors.com.mx>

Nissan

<http://www.nissan.com.mx>

Sterling

<http://www.sterlingtrucks.com.mx>

Toyota

<http://www.toyota.com.mx>

VW

<http://www.camionesvw.com.mx>

SAMPLE of FOR-HIRE CARRIER CAB CARD with SOLE-PROPRIETOR RFC NUMBER

SECRETARIA DE COMUNICACIONES Y TRANSPORTES

DIRECCION GENERAL DE AUTOTRANSPORTE FEDERAL

REG. FED. LOEJ130325KA3		TARJETA DE CIRCULACION SERVICIO PUBLICO FEDERAL CARGA		PLACAS SAMPLE	
NOMBRE ORACION REGIA: JUAN LOPEZ EJEMPLO					
CALLE PRINCIPAL			NUMERO 987		
COLUMNA CONOCIDA			CODIGO POSTAL 12299		
DOMICILIO FISCAL MUNICIPIO DE JUAREZ, ESTADO DE MEXICO					
PROPIETARIO DEL VEHICULO JUAN LOPEZ EJEMPLO					
MARCA DEL VEHICULO GENERAL*****					
NIV 3MX45678901234567		MARCA UNICA		METROS 2000	
SERIE 98765		CLASE T3		COMBUSTIBLE DIESEL	
TIPO TRACTOR		PESO VEHICULAR 9.00Ton		No. DE EJES 3	
				No. DE LLANTAS 10	
CAPACIDAD		LITROS		PERSONAS	
AAAAA		15		AAAAA	
		ALTO		ANCHO	
		3.90		2.50	
FOL. 123SAMPLE		TIPO DE SUSPENSION		123456	
SISTEMA DE MOTOR MECANICO		SISTEMA DE MOTOR NEUMATICO		SISTEMA DE MOTOR *****	
CERTEFICADO DE RENTA 0392LOEJ130325KA3/2		FECHA LIMITE DE SUSTITUCION DEL VEHICULO *****			
FRANTE ALTA		LUGAR Y FECHA DE EMISION S. TRANSPORTE BOMBAS 25/07/2006			
***** 0912345678901234567B ***** ***** ***** ***** ***** ***** ***** *****					

CAMINOS DE JURISDICCION FEDERAL

SAMPLE of PRIVATE CARRIER CAB CARD with CORPORATE RFC NUMBER

SECRETARIA DE COMUNICACIONES Y TRANSPORTES

DIRECCION GENERAL DE AUTOTRANSPORTE FEDERAL

REG. FED. CONT. IEA180915BE1		TARJETA DE CIRCULACION SERVICIO PARTICULAR		PLACAS SAMPLE	
NOMBRE DEL TITULAR INDUSTRIA EJEMPLAR DEL ACERO, S.A. DE C.V.					
CALLE AVENIDA CONOCIDA			NUMERO 1234		
COLOMIA INDUSTRIAL DEL VALLE DE MEXICO			CODIGO POSTAL 11233		
DOMICILIO FISCAL MEXICO, D.F.					
PROPIETARIO DEL VEHICULO INDUSTRIA EJEMPLAR DEL ACERO, S.A. DE C.V.					
MODALIDAD TRANSPORTE PRIVADO DE CARGA					
NIV 1CA45678901234567		MARCA EJEMPLAR CAMALEON		MODELO 2000	
MOTOR 123321		CLASE T3		COMBUSTIBLE DIESEL	
TIPO TRACTOCAMION		PESO VEHICULAR 9.00 TON	NO. EJES 3	NO. LLANTAS 10	
CAPACIDAD	LITROS ****	TONELADAS 15	PERSONAS ****	ALTO 4.00	ANCHO 2.50
				LARGO 7.60	
EJE DIRECCIONAL MECANICA		TIPO DE SUSPENSION NEUMATICA		EJE ARRASTRE *****	
PERMISO DE RUTA *****		FECHA LIMITE DE SUSTITUCION DEL VEHICULO *****			
TRAMITE ALTA		LUGAR Y FECHA DE EXPEDICION MEXICO, D.F.		22/10/2007	

"CAMINOS DE JURISDICCION FEDERAL"

NO DE PERMISO: 093111SAMPLE / 0802030