

SUBJECT: Age limit on children delivering newspapers

COMMITTEE: Business and Industry — favorable, without amendment

VOTE: 8 ayes — Giddings, Elkins, Bohac, Martinez, Solomons, Taylor, Vo,
Zedler

0 nays

1 absent — Bailey

WITNESSES: For — None

Against — None

On — John Moore, Texas Workforce Commission

BACKGROUND: Under Labor Code ch. 51, a person commits an offense if the person employs a child under 14 years of age, but the law exempts a child delivering newspapers to consumers.

Section 51.014 says the employment of a child to sell items or services for or solicit donations for any person other than an exempt organization or a business owned or operated by a parent, conservator, guardian, or other person who has possession of the child under a court order is a hazardous occupation if the child is:

- younger than 14 years of age; and
- unaccompanied by a parent, conservator, guardian, or other person who has possession of the child under a court order.

An attorney general's opinion (JC-0309) issued in 2000 interpreted current law as prohibiting a child under 14 from being employed to "solicit" newspaper subscriptions except under two conditions:

- the child concurrently attempts to sell a newspaper while "soliciting" the subscription; and
- the same child will be the person delivering the newspaper based on the new subscription.

The opinion said the Texas Workforce Commission (TWC) could not require parental consent forms from those engaged in activities that met these criteria.

DIGEST: HB 2930 would amend Labor Code, ch. 51, to define "delivery" as the distribution and maintenance of a paper route. The bill would permit a child 11 years or older to engage in the delivery of newspapers to consumers.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: HB 2930 would close a loophole in the child labor law that has resulted in the death and injury of young children. Chapter 51 of the Labor Code provides an exemption to the minimum age for child labor to allow children under 14 to deliver newspapers. The exemption has been in place for more than 50 years since paper boys delivered newspapers on bicycles and some still sold from street corners. The exemption for paper delivery does not set a minimum age below age 14 nor describe how delivery should occur.

Our state has changed significantly since this exemption was established. More people and more cars sometimes place children selling news papers in dangerous situations. TWC recently investigated two incidents in which young children were hit by cars as they sold newspapers from the medians of busy intersections. TWC found that it could take no action to protect these children because the employer was not in violation of child labor laws.

HB 2930 would change the Labor Code statutes on newspaper delivery and sales by children to increase children's safety. It would redefine "delivery" to mean distribution and maintenance of a paper route and would require those delivering newspapers on such routes to be at least 11 years old. This bill would prevent children from selling newspapers from dangerous intersections and from being general targets.

OPPONENTS SAY: While the intended impact of the bill is commendable, HB 2930 as written would need clarification. In order to stop completely young children from selling newspapers in dangerous settings, the definition of "delivery" should include the distribution and maintenance of a paper route and not

the sale of papers to the general public. Such language would provide greater assurance that children age 11 and older were distributing newspapers to subscribers or soliciting new subscribers on a regular route, while preventing children under 14 from hawking newspapers on heavily trafficked highways or in other hazardous circumstances.

Even regular paper routes on occasion can place children in dangerous situations. Allowing children 11 years old to deliver newspapers could subject them to the hazardous occupations provision of the Labor Code. TWC should be authorized to adopt requirements by rule for those employing children who deliver papers to protect their safety, health, or well-being