

## **Chapter 817. Child Labor**

The Texas Workforce Commission (Commission) proposes an amendment to §817.4 and new §817.24, concerning child labor provisions.

The purpose of the amendment and new section is to implement House Bill 160, of the 76th Texas Legislative Session that relates to the regulation of certain sales and solicitations made by children and related violations. It is the Commission's intent to encourage the safe employment of minors engaged in certain sales and solicitation activities and to enforce the penalties set forth in the Texas Labor Code. An amendment to §817.4 expresses the Commission's intent to define the scope of its enforcement of Texas Labor Code §51.0145 to be consistent with the legislative intent of that provision. New §817.24 clarifies the process by which an affected employer can comply with the requirement to obtain consent and provide information about solicitation trips. New §817.24 also limits solicitation trips to within 30 miles of the child's home to protect the safety, health and well-being of the child, unless the parent agrees in advance to a distance longer than 30 miles on the Commission-approved Parental Consent Form.

Randy Townsend, Director of Finance, has determined that for each year of the first five years the amendment and new section will be in effect the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the amendment and new section;

There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the amendment and new section;

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the amendment and new section;

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the amendment and new section; and

There are no anticipated economic costs to persons required to comply with the amendment and new section.

Mr. Townsend has also determined that there is no anticipated adverse impact on small businesses as a result of enforcing or administering the amendment and new section because, although small businesses would be required to send the Parental Consent Form and the required information to the Commission, the added cost as a result of the amendment and new section would be merely the cost of postage of approximately \$.33 per employed child. That expense would be the same for large businesses as for small and would be minimal.

Mark Hughes, Director of Labor Market Information, has determined that there is no significant negative impact upon employment conditions in this state as a result of these proposed sections.

Chester Skorupa, Director of Labor Law, has determined that for each year of the first five years the amendment and new section are in effect, the public benefit anticipated as a result of enforcing the amendment and new section will be to assist in ensuring safer employment of minors.

Comments on the proposal may be submitted to Chester Skorupa, Texas Workforce Commission Building, 101 East 15th Street, Ste. G-1, Austin, Texas 78778, (512) 491-4603. Comments may also be submitted via fax to (512) 834-3526 or e-mailed to: [chester.skorupa@twc.state.tx.us](mailto:chester.skorupa@twc.state.tx.us). Comments must be received by the Commission within 30 days from the date of the publication in the Texas Register .

Subchapter A. General Provisions

### **40 TAC §817.4**

The amendment is proposed under Texas Labor Code, Title 4, which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission programs and particularly Texas Labor Code Chapter 51 relating to employment of minors.

The amendment affects Texas Labor Code, Title 2 and Title 4 as well as Texas Government Code Chapter 656.

*§817.4. Statement of Commission Intent.*

(a) In adopting §817.21 of this title (relating to Limitations on the Employment of 14 and 15 Year Old Children) and §817.23 of this title (relating to Limitations on the Employment of 16 and 17 Year Old Children), the Commission intends for the federal child labor laws to govern the employment of children in Texas unless a provision of this chapter or Texas Labor Code, Chapter 51, clearly indicates otherwise. The Commission so intends only to the extent the federal laws are consistent with Texas Labor Code, Chapter 51.

(b) In adopting §817.24 of this title (relating to Limitations on the Employment of Children to Solicit), the Commission recognizes and hereby implements the legislative intent of Texas Labor Code §51.0145 to apply to the employment of children to sell or solicit products or services usually in a door-to-door manner, but which occasionally takes other forms, such as in parking lots or other common areas. The activity that is the subject of this regulation has been variously labeled over the years as candy sales, door-to-door sales, youth peddling, traveling

youth crews, and other names. The activity usually involves one or more recruiters or drivers and at least one product supplier. The operation may involve taking children from lower income neighborhoods to sell in higher income neighborhoods, using a name and presentation that suggests the activity is aimed primarily at keeping the children out of gangs and off drugs.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 19, 1999.

TRD-9905277

J. Randel (Jerry) Hill

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: October 3, 1999

For further information, please call: (512) 463-8812

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Subchapter B. Limitations on the Employment of Children

**40 TAC §817.24**

The new section is proposed under Texas Labor Code, Title 4, which provides the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Commission programs and particularly Texas Labor Code Chapter 51 relating to employment of minors.

The new section affects Texas Labor Code, Title 2 and Title 4 as well as Texas Government Code Chapter 656.

§817.24.Limitations on the Employment of Children to Solicit.

(a) A person may not begin the employment of a child to solicit as defined in Texas Labor Code §51.0145 and as described in §817.4(b) of this title (relating to Statement of Commission Intent), until the Commission's Labor Law Department has received:

(1) a copy of the signed Parental Consent Form approved by the Commission; and

(2) the information required by statute to be provided to the individual who gives consent.

(b) A copy of the Parental Consent Form may be obtained from the Commission's Labor Law Department.

(c) A person employing a child under Texas Labor Code §51.0145 shall limit each solicitation trip to within a radius of no greater than thirty miles from the child's home, unless the parent or other person identified in Texas Labor Code §51.0145(c)(1) signs a Parental Consent Form in advance of the solicitation trip specifically approving a greater distance.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on August 19, 1999.

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J. Randel (Jerry) Hill

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