

**SUBJECT:** Employment of children as drivers for family-owned businesses

**COMMITTEE:** Economic Development — favorable, without amendment

**VOTE:** 8 ayes — Oliveira, Yarbrough, Davis, Luna, Moffat, Raymond, Solomons,  
Van de Putte

0 nays

1 absent — Shields

**WITNESSES:** For — Ken Legler and Robert Howden, National Federation of Independent  
Business

Against — None

On — Ed Davis, Texas Employment Commission

**BACKGROUND:** The employment of children under 18 to transport goods by vehicle is classified as a hazardous occupation by the U.S. Department of Labor, under the Fair Labor Standards Act. The Texas Labor Code makes unlawful employment of children in a hazardous occupation a Class B misdemeanor, with a current maximum penalty of 180 days in jail and a \$2,000 fine, or a Labor Code administrative penalty of up to \$10,000. The Texas Employment Commission prohibits the employment of children under age 18 in jobs the federal government or the commission has declared hazardous.

Minors in Texas can obtain an unrestricted driver's license at age 16 if they successfully complete a driver's education course. The law permits 15-year-olds to drive with an instruction permit if they have passed the classroom phase of a driver's education course and have a licensed driver age 18 or older with them. Under some circumstances, including economic hardship or illness of family members, minors can obtain a driver's license at age 15.

Commercial licenses are required to drive vehicles that weigh more than 26,000 pounds or that carry more than 16 passengers or carry hazardous materials, with exceptions for firefighting vehicles and certain farmer's vehicles used for agricultural uses within 150 miles of the farm.

**DIGEST:** HB 994 would amend the Texas Labor Code to specify that the operation of a motor vehicle by a child under 18 is not a hazardous occupation if the child has a valid driver's license, no commercial license is required for the job, and the job is performed under the direct supervision of a parent or guardian for a business owned and operated by the parent or guardian.

The Texas Employment Commission would adopt rules consistent with the bill's provisions. The bill would take effect upon approval by two-thirds of the membership of each house.

**SUPPORTERS SAY:** HB 994 would remove an unnecessary barrier to family-owned businesses by allowing parents to employ their teenagers to help with driving. Small, family-owned businesses are an important source of revenue and employment for the state. In some counties, over 80 percent of the businesses are family owned. There is no reason why owners of such businesses should not be allowed to use their older teenage children who have valid driver's licenses to help out.

The federal law classifying the employment of children under 18 to transport goods by vehicle as a hazardous occupation was not intended to penalize families who want to work together at a family business. It was directed against companies that might attempt to hire teenagers at low salaries for heavy, dangerous work that should be done by adults. HB 994 would leave this protection in place; the bill is narrowly written to concern only employment by parents of their own children in a family business.

Many family-owned businesses (like flower shops, pizza and taco stands) are struggling to make ends meet. Involving children in all aspects of a family business promotes family cohesion and individual responsibility, teaches teenagers the value of work and offers a chance to learn the business.

Allowing teenagers to help with driving may be the only way for the family to save money for that child's college expenses in areas where there may be few jobs, especially for teenagers. Most parents have the best interests of their children at heart and would be careful never to put them at risk. State laws prohibit any minor under the age of 15 from obtaining a driver's license.

HB 994 would provide that the Texas Employment Commission would no longer be required to enforce the federal rule concerning employment by parents of their own children in a family business. It is highly unlikely that the U.S. Department of Labor, which only acts if a complaint has been filed, would come to Texas to investigate a parent who had hired their own child to drive.

**OPPONENTS  
SAY:**

Motor vehicle accidents are a leading cause of death and injury among teenagers, and many of those accidents occur when teenagers are driving. This bill could put teenage drivers (as young as 15) behind the wheel of 26,000-pound vehicle in a workplace situation. Although most parents are conscientious, a few, impelled by economic hardship, might encourage a child to drive long hours, which could be a hazard both to the child and other drivers.

This bill would give parents a false sense of security about being in compliance with the law if they employed their teenagers as drivers. HB 994 could not supersede federal labor laws. If a teenager employed as a driver was involved in a fatal traffic accident, for example, this could lead to a complaint being filed with the U.S. Department of Labor. A federal investigator from the U.S. Department of Labor charged with enforcement of the Fair Labor Standards Act could still penalize parents for actions that would be permitted under HB 994. Penalties under federal law often include significant fines, civil penalties and complete workforce audits.