(b) An individual authorized to engage in residential mortgage loan origination activities in this state as of July 31, 2009, is not required to comply with Chapter 180, Finance Code, as added by this Act, and Chapters 156, 157, 342, 347, 348, and 351, Finance Code, as amended by this Act, until the later of:

(1) July 31, 2011; or
(2) a subsequent date approved by the secretary of the United States Department of Housing and Urban Development under the authority granted under the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (Pub. L. No. 110–289).

SECTION 25. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 148, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 10 on May 29, 2009: Yeas 143, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 25, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

CHAPTER 1105

H.B. No. 55

AN ACT
relating to an offense of using a wireless communication device while operating a motor vehicle.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 545.425, Transportation Code, is amended to read as follows:

Sec. 545.425. USE OF WIRELESS COMMUNICATION DEVICE; OFFENSE [BY CERTAIN MOTORISTS]. (a) In this section:

(1) “Hands-free device” means speakerphone capability or a telephone attachment or other piece of equipment, regardless of whether permanently installed in the motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands.

(2) “Wireless communication device” means a device that uses a commercial mobile service, as defined by 47 U.S.C. Section 332.

(b) Except as provided by Subsection (c), an operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone, as defined by Section 541.302, Transportation Code, unless:

(1) the vehicle is stopped; or
(2) the wireless communication device is used with a hands-free device.

(b–1) A municipality, county, or other political subdivision that enforces this section shall post a sign that complies with the standards described by this subsection at the entrance to each school crossing zone in the municipality, county, or other political subdivision. The department shall adopt standards that:

(1) allow for a sign required to be posted under this subsection to be attached to an existing sign at a minimal cost; and
(2) require that a sign required to be posted under this subsection inform an operator that:

(A) the use of a wireless communication device is prohibited in the school crossing zone; and
(B) the operator is subject to a fine if the operator uses a wireless communication device in the school crossing zone.

(c) An operator may not use a wireless communication device while operating a passenger bus with a minor passenger on the bus unless the passenger bus is stopped.

(d) It is an affirmative defense to prosecution of an offense under this section that:

(1) the wireless communication device was used to make an emergency call to:

   (A) an emergency response service, including a rescue, emergency medical, or hazardous material response service;
   (B) a hospital;
   (C) a fire department;
   (D) a health clinic;
   (E) a medical doctor's office;
   (F) an individual to administer first aid treatment; or
   (G) a police department;

(2) a sign required by Subsection (b-1) was not posted at the entrance to the school crossing zone at the time of an offense committed in the school crossing zone.

(e) This section does not apply to:

(1) an operator of an authorized emergency vehicle using a wireless communication device while acting in an official capacity; or

(2) an operator who is licensed by the Federal Communications Commission while operating a radio frequency device other than a wireless communication device.

(f) This section preempts all local ordinances, rules, or regulations that are inconsistent with specific provisions of this section adopted by a political subdivision of this state relating to the use of a wireless communication device by the operator of a motor vehicle.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on May 15, 2009: Yeas 106, Nays 32, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 55 on May 29, 2009: Yeas 138, Nays 4, 1 present, not voting; passed by the Senate, with amendments, on May 26, 2009: Yeas 27, Nays 4.

Approved June 19, 2009.

Effective September 1, 2009.

CHAPTER 1106

H.B. No. 216

AN ACT

relating to the regulation of certain boarding home facilities and assisted living facilities; providing penalties.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 4, Health and Safety Code, is amended by adding Chapter 254 to read as follows: