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In Brief...

A quarterly newsletter brought to you by the Massachusetts Laborers' Legal Services Fund

Information On Purchasing A New Home

Buying a house is the biggest financial commitment most of us ever make. This article will explain some of the frequently used terms in both the purchase and financing process.

It is a good idea for buyer(s) to start by obtaining a "pre-approval letter". This is a letter obtained from a bank or mortgage lender that tells you how much money you may qualify to borrow. It is based on your income and current indebtedness (car loans, student loans, consumer loans, etc.). It is not, however, a promise to actually lend you the money.

Once a buyer has found property, an "offer to purchase" is made. This offer contains the purchase price, down payment amount, closing date and date by which a "Purchase and Sales Agreement" will be signed. It should also contain contingencies for a mortgage commitment and inspection.

An "offer to purchase" can be enforced in some circumstances as the actual contract, so care should be taken before signing an offer. A Massachusetts Laborers' Legal Services attorney can review this offer for you.

Next the parties generally proceed to a Purchase and Sales Agreement. Most people have lawyers review this agreement and it is not unusual for there to be further negotiations, especially if issues arising from the property inspection need to be resolved. You should have Massachusetts Laborers' Legal Services attorney review the purchase and sales agreement.

More specific issues relative to the agreement will be presented in the next Newsletter.



Additional Information About the New Drunk Driving Law

In the last Newsletter we discussed the increased license suspensions if you refuse to take the breathalyzer. In this article we will discuss the requirements made by "Melanie's Law" regarding the installation of Ignition Interlock Devices into vehicles of drivers granted hardship licenses and those drivers whose licenses are eligible for reinstatement. This material is complex, please call your legal services office if you have questions.

An Ignition Interlock Device is a handheld breath-alcohol monitoring device that is electronically connected to a vehicle's ignition. Before starting the vehicle, the driver must take and pass a breath test. It also requires the driver to take re-tests while driving the vehicle.

There are 3 reasons for having to have an Ignition Interlock Device installed in your vehicle:

1. If you have been convicted of 2 or more OUI (operating under the influence) and you are eligible for a hardship license. The device must be in your vehicle the entire length of the hardship license and you must keep the device in your vehicle for 2 years after your license is reinstated
2. If you have 2 or more OUI convictions and you are eligible for your license to be reinstated, you must have the device installed in your vehicle for 2 years after your license is reinstated.
3. If a court orders that an Ignition Interlock Device be installed, you must use the device for the length of the court order.

Under the new law, in order to be eligible for a hardship license, you must now present proof that you do not have access to public transportation.

An Ignition Interlock Device must be installed and used in every registered vehicle that you own, lease or operate. This includes an employer's vehicle. (Company pickup truck). A restriction will be added to your license making it illegal to operate a vehicle that is not equipped with an Ignition Interlock Device.

If you do not have an Ignition Interlock Device installed in your vehicle, you will not be granted a hardship license and you will not have your license reinstated.

The Registry of Motor Vehicles may either notify you in writing or advise you when you go to have your license reinstated that you need an Ignition Interlock Device. You must then contact one of the few vendors in the Commonwealth who sell and install these devices. You

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must pay the installation fee, the cost of leasing the device and the maintenance fee. Most devices will need to be returned for maintenance on a monthly basis. You must then properly use the device. You are not permitted to allow other individuals to use the device. (Blow into the device for you).

You will lose your driving privilege if there is a problem with your Ignition Interlock Device for any of the following reasons:

1. You fail an initial test or you miss a rolling re-test. Any 2 occurrences in a 30 day period will result in a "lockout" (Your vehicle will not start).
2. Anytime you miss a monthly maintenance appointment the device will "lockout"
3. You fail a rolling re-test or tamper with the device. If this happens once during the time you have the device you will receive a 10 year license revocation.
4. You remove the device anytime during the period you are required to use the device and your license will be suspended.

If your device goes into a "lockout" state, you will have 48 hours to return it to the vendor, who will upload the data and reset the device. If you do not return to the vendor within this time period, your vehicle will remain disabled and will need to be towed to the vendor.

If your device goes into a "lockout" state 2 times you may be deemed in violation of your restricted license. A violation will result in a 10 year license revocation.

If your device goes into "lockout" due to a failed rolling re-test or because the device was tampered with, you may receive a 10 year license revocation. A second failed



rolling re-test will result in a lifetime revocation.

If you receive a violation (due to 2 "lockouts") you will be required to meet with a Registry of Motor Vehicles (RMV) hearing officer. You will be mailed a notice of your schedule hearing. The hearing officer will make a determination whether to revoke your license or not.

If you use the Ignition Interlock Device for the required period of time, you must obtain a letter from an RMV hearing officer stating that the Ignition Interlock Device may be removed. You will then be required to schedule an appointment with the vendor in order to have the device removed.

If your license is suspended due to violations of using the Ignition Interlock Device, the device will be removed and you will not be allowed to operate a vehicle.

If you remove the device early, your license will be suspended. You can get your license reinstated once you get the device reinstalled, as long as your license was not

suspended for any other reason.

If you receive a notice from the Registry of Motor Vehicles that you must install an Ignition Interlock Device you should contact our office to discuss what will be required of you.

THIS NEWSLETTER IS INTENDED AS INFORMATION ONLY NOT SPECIFIC LEGAL ADVICE.

Statements or questions please contact us at:
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Declaraciones o preguntas por favor contactenos:
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