

## **Consumer Legal Guide**



# Your Guide to Auto Accidents



**ILLINOIS STATE  
BAR ASSOCIATION**

**ASK A LAWYER**

# AUTO ACCIDENTS

Even the best drivers are subject to automobile accidents. Therefore, we should all know what steps to take immediately following an accident to protect the life, safety, property, and legal rights of those involved. Doing the right thing in the right way at the right time may not only save a life, but will also always minimize, and often avoid altogether, legal problems. Here are the steps you should take if you are involved in an accident with another vehicle or a pedestrian:

## **1. Stop Your Car**

Never leave the scene of an accident in which you are involved. If you fail to stop, you may subject yourself to criminal prosecution, no matter how slight the collision and even if the accident was not your fault. Stop your car as soon as possible without further endangering any person or property and without obstructing traffic. Do whatever is necessary to warn oncoming traffic in order to prevent further accidents. If possible, station someone in a position to warn approaching vehicles. At night, use flares, reflectors, or a flashlight, if available.

## **2. Give Aid To The Injured**

Illinois law requires the driver of any vehicle involved in an accident to provide reasonable assistance to any injured party, which includes helping an injured person get the necessary medical care needed by carrying him or her to a medical facility if possible or calling for help, for example. Thus, if any person has been hurt, call a doctor, an ambulance, or both, or call 9-1-1 for assistance. Until help comes, do all you can to assist or provide aid to the injured person or persons, but be very careful in doing so. Unless you are proficient at rendering first aid, do not try it. You may make matters worse instead of better. For example, moving an injured person may aggravate the injury, especially if that injury is to the head or neck.

### **3. Call The Police**

Police officers are trained to handle any situation that may result from or arise after an accident. If you are involved in an accident, even though you may not appear to be physically injured, you may suffer from shock and excitement which makes it difficult for you to think clearly at the time. Let the police officer take over when he or she arrives. The officer will handle any emergency and investigate the accident. His or her investigation report may be helpful to you later if you are sued or if you decide to sue someone else.

If the accident occurs within the limits of a city, village, or town, call the municipal police or 9-1-1. If it occurs on the open highway, call the nearest State Police Station, the County Sheriff's office, or 9-1-1.

## **THE LAW REQUIRES INFORMATION**

The motor vehicle laws of Illinois require the driver of any vehicle involved in an accident to give his or her name, address, and the registration number of the vehicle being driven to the other party. If it is requested, the driver must also present his or her driver's license to any other party involved. If you leave the scene of an accident without furnishing such information, you could be charged with a Class A misdemeanor potentially punishable by up to a year in prison and a maximum fine of \$2,500.

If you collide with an unattended vehicle, the law requires you to locate the operator or owner of the vehicle and tell him or her your name, address, and the registration number of the vehicle you were driving. If you cannot locate the owner, leave a written message stating your name and address, the registration number of the vehicle you driving, and the circumstances of the collision in a conspicuous place on or in the unattended vehicle. If you fail to notify the operator or owner of your collision with the unattended vehicle either directly or by leaving a note, you could be charged with a Class A misdemeanor potentially punishable by up to a year in prison and a maximum fine of \$2,500.

The best policy is to give no more information than the law requires. Do not comment on the cause of the accident, and do not admit fault even if you think you were in the wrong. You may discover later that the other driver was equally or more to blame. In addition, you will most likely be emotionally or physically upset immediately after an accident such that you will be unable to accurately appraise the situation. There will be a time for explanations later. No one has the right to force you to give an opinion as to the cause of the accident at the scene of the collision, the police headquarters, or anywhere else. You have the right to consult a lawyer before making a statement.

## **OBTAIN PROTECTIVE INFORMATION**

Just as the law requires you to give certain information, you are entitled to the same information from other persons involved in the accident. Do not fail to obtain this information. In addition to the names and addresses of the persons actually involved, make an effort to obtain the names and addresses of all persons who witnessed the accident. Witnesses may be important later if legal action becomes necessary. Also, if reasonable to do so:

- Make notes of the important aspects of the collision to help you remember them.
- Diagram the exact position of the vehicles before and after the accident.
- Step off skid marks and other important distances.
- Take photographs of the vehicles at the scene.

Such precautions may prove invaluable in the event that legal questions develop.

## **SEE YOUR DOCTOR**

If you have any doubt at all about your own condition or that of the passengers in your vehicle, go to a local emergency room or see your doctor immediately for an examination and ask your passengers to do likewise; then follow their advice for further medical care and treatment.

## **FILE ACCIDENT REPORTS**

Notify your automobile insurance company immediately and cooperate with your insurance company's representatives in their investigation.

In addition, Illinois law requires you to file a written report of any accident in which you were involved which resulted either in the death or injury to any person and in most accidents where property damage occurred. Failure to file a report may cause you to lose your license. A report form may be obtained at any police station or sheriff's office and should be filed at the appropriate place as indicated on the form. The filing of the report should be within ten days after the accident.

## **ARRESTS**

If you or the other party are arrested or issued a ticket, it does not necessarily indicate liability for the accident. However, a statement of guilt or a plea of guilty to a traffic ticket may be used as an admission, so it is important that you obtain legal advice if you are arrested or receive a ticket for the accident.

## **YOUR RIGHTS**

If you are not certain of your rights, consult a lawyer of your personal choice. Your insurance company will always be represented by trained adjustors or by an attorney. You should ignore any attempt by a representative of the other party to influence you against the advice of your own attorney. Furthermore, beware of an attorney or anyone representing an attorney who approaches you with a request to handle your case. Solicitation of business by lawyers is an unethical practice in the legal profession. Solicitation by non-lawyers is illegal and a violation of state law.

## **DAMAGES**

If you lose work, sustain injuries or have other losses, you may be entitled to reimburse-

ment under your own insurance policy if the conditions of the policy have been met. You may also be entitled to damages from the other party to the accident.

Awarding monetary damages is the legal system's attempt to put the wrongfully injured party, as closely as possible, into a position equal to that position before he was injured. If you are in the right you may be entitled to recover money for the following:

- nature, extent, and duration of injuries; pain and suffering from injuries; disfigurement;
- disability, both temporary and permanent;
- reasonable expenses resulting from injury, including medical and hospital expenses;
- loss of income; and/or value of damage to property.

If an individual sustains injuries in a motor vehicle collision that ultimately cause his or her death and was not more than 50% at fault for the accident, then the decedent's next of kin may be able to recover damages. These damages are measured by the pecuniary loss suffered by the next of kin. An attorney can advise you as to what pecuniary losses consist of should you choose to pursue this legal course of action.

## **THE LAW REQUIRES INSURANCE**

The Illinois Vehicle Code requires that all motor vehicles intended for use on public highways be covered by liability insurance. Certain vehicles are exempt from this requirement, including inoperable or stored vehicles that are not operated. You must also keep proof of insurance within the vehicle. Insurance companies issue insurance cards that comply with this requirement. The Secretary of State may also request verification of insurance from you. Violations of this provision could result in significant financial penalties or even a loss of driving privileges.

If you're looking for an  
Illinois lawyer, look to  
**IllinoisLawyerFinder.com**



**IllinoisLawyerFinder.com** is the Illinois State Bar Association's statewide lawyer directory on the Web. Search for lawyers by practice area, name, county or town.

Find a lawyer near you 24/7 on the Web at **IllinoisLawyerFinder.com** or call us from around the state at **217-525-5297** or **800-922-8757** Monday through Friday from 9:00 a.m. to 4:00 p.m.



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**BAR ASSOCIATION**

**This pamphlet is prepared and published by the Illinois State Bar Association as a public service.**

Every effort has been made to provide accurate information at the time of publication.

For the most current information, please consult your lawyer. If you need a lawyer and do not have one, call Illinois Lawyer Finder at (800) 922-8757 or online **[www.IllinoisLawyerFinder.com](http://www.IllinoisLawyerFinder.com)**

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For more information on legal issues or to obtain single copies of each of the pamphlets listed above (free to individuals), please visit

**[www.ISBAlawyers.com](http://www.ISBAlawyers.com)**

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