

Q & A (cont.)

Q. What if I am in an accident and I am taken to the hospital and cannot report the accident?

A. While it is unlikely that the police would not respond to such an accident by law you have a half hour from discharge of the hospital to report the accident location, date, approximate time, the driver's name and address, the registration number of the vehicle driven, and the names of all other occupants of such vehicle to the police or sheriff.

Q. Is it a crime to make a false traffic accident report?

A. Yes, this is a criminal misdemeanor that is punishable by up to 30 days in county jail.

Q. Are the accident reports sent to the Dept. of Transportation confidential?

A. The IDOT accident reports submitted by an individual cannot be used to prejudice them in any way or be used as evidence in a criminal or civil trial arising out of the reported accident. IDOT may disclose the identity of a person involved in an accident when such identity is not otherwise known or when a person denies their presence at the accident, including to insurance companies. The Secretary of State may also disclose accident involvement maintained on individual driving records. The reports can also be disclosed to government agencies for traffic safety research purposes.

Q. What if I am seriously injured in the accident?

A. You should consider consulting with a personal injury attorney about your legal options, most offer a free consultation. ***Student Legal Services cannot provide this type of representation.***

Resources

Illinois Secretary of State Driver Services
cyberdriveillinois.com

ISBA Attorney Referral site
Illinoislawyerfinder.com

The information contained herein is not intended as a substitute for legal advice.

Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney at Student Legal Service.

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I ILLINOIS

If You are in a
**TRAFFIC
ACCIDENT**



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TRAFFIC ACCIDENTS

Traffic accidents happen all the time, but people don't always know what to do when they happen.

There are important steps to take which failing to do can jeopardize your ability to be compensated for damages, suspend your driver's license, and put you at risk for receiving criminal traffic citations.

Always remain at the scene of the accident.

Leaving the scene of an accident involving injury or death is a felony offense, and will revoke your driver's license.

Leaving the scene of an accident involving only property damage is a misdemeanor, and will also revoke your driver's license.

First, check if you or your passengers require medical attention and then check on any other vehicle's occupants. Call 9-1-1 for medical assistance and police. If there is only property damage but it is over \$1,500 you need to report the accident to the police.

Second, make a full exchange of information with all others involved in the accident. This information should include names, addresses, phone numbers, driver's license numbers, vehicle registration, and insurance policy information. The names, addresses, and phone numbers of any witnesses to the accident should also be obtained, failing to do so is a misdemeanor offense and can result in a suspension your driver's license.

Additionally, Limit your exchange of information to these points.

- **Do not discuss the circumstances of the accident with anyone on the scene**

- In particular, **do not admit fault, even if you believe you were in the wrong.**

You may well have opinions as to what led to the accident, but keep them to yourself.

After information is exchanged. . .

Call your insurance agent and report the incident. This will not automatically cause an increase in premiums or have any other negative effects; it simply puts them on notice that an accident occurred.

Next, file an accident report with the Department of Transportation (IDOT).

Your insurance company or the police officer will be able to provide you with a form for completing this. The report should be filed within ten (10) days of the accident's occurrence. You can also file this online. Make or print a copy of this report.

Filing of this report is required by law and failure to do so will result in license suspension. At this point, the insurance companies will attempt to settle claims for damages; **you should meet with an attorney before agreeing to any settlements.**



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Q & A

Q. What if I leave the scene of an accident?

A. You have a legal obligation to remain at an accident scene however if you leave you should contact a lawyer about the occurrence. If the police contact you about the incident do not make any statements without a lawyer present. The police will likely ticket you and possibly arrest you for the offense.

Q. What if I hit an unattended vehicle?

A. In that case, you must leave a note attached to the vehicle, giving your name, address, phone number, vehicle registration, and name of the owner of the vehicle if it is not you. You must also promptly report this to the local police, and file the accident report, as in any other accident. Failing to do so is a misdemeanor offense and can result in a suspension your driver's license. You must also report the accident to the Illinois Dept. of Transportation as in cases involving accidents with other vehicles.

Q. What if I hit something other than another vehicle?

A. The same process should be followed if you had struck an unattended vehicle. The accident must be promptly reported to the local police, and a report filed with the state. You may think no one is watching, but frequently someone sees the accident, writes down sufficient information about the vehicle involved, and calls the police. Don't let this happen to you. It is far better to report the accident yourself. This is why you carry insurance.

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