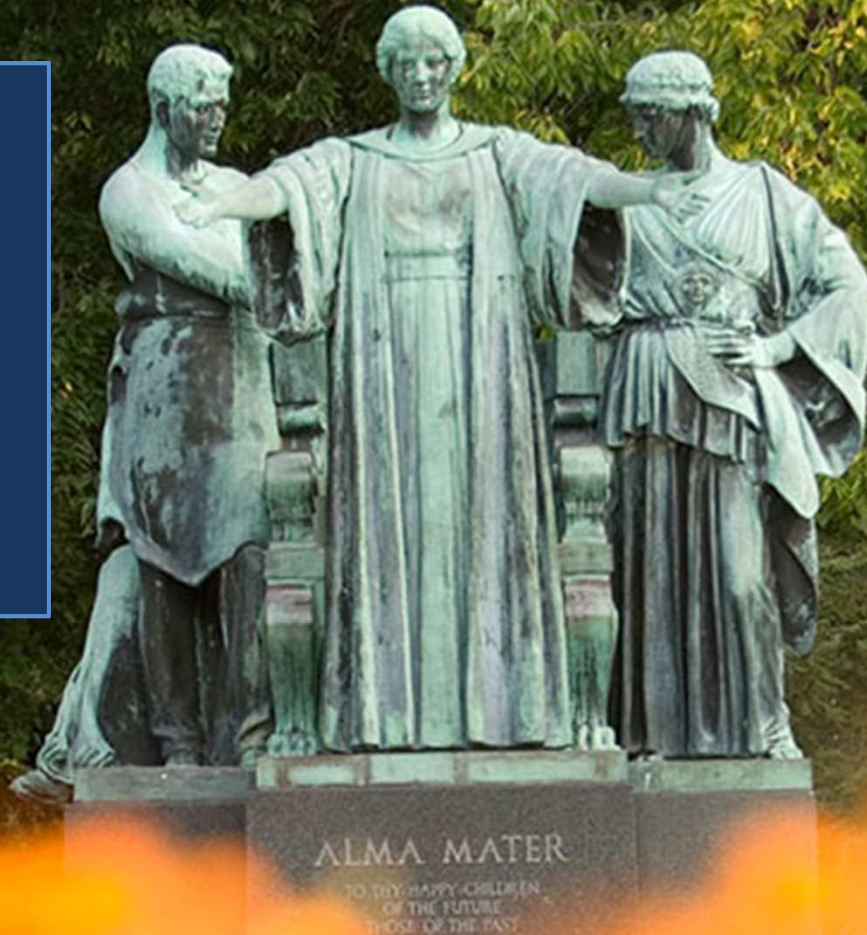




DRIVING RELATED ISSUES



Student Legal Service

University of Illinois at Urbana-Champaign

STUDENT LEGAL SERVICE

Fall, 2013:

919 W Illinois, First Floor, Levis Faculty Center

(Spring, 2014: back to 324 Illini Union)

Office open: 8:30am-Noon, 1-4:30pm, M-F

Submit your intake online at:

www.odos.illinois.edu/sls

License Issues

You are not required to obtain an Illinois Driver's license while you are enrolled as a student in order to drive legally in the State if you:

1. have a valid Driver's License from your home country,
2. have a valid International Driver's License, OR
3. have a valid Driver's License from another U.S. state,

AND have the License in your possession if you are stopped by Police.



Your non-student spouse or children may drive in Illinois on a valid home-country/international Driver's License.

49 other U.S. states do not necessarily follow our law!

License Issues

Many Police officers do not know that you can drive in Illinois on your home country/ international License.

They will issue a ticket. Do not panic!

Fill out and submit a “Traffic” intake form on our website,

www.odos.illinois.edu/sls

and come to Student Legal Service to set up an appointment. We will help you dismiss the ticket.



License Issues

To get an Illinois Driver's License:

Champaign Secretary of State – Driver's Services

2401 West Bradley Ave, Champaign, IL

217-278-3344



Social Security Number and proof of address required.

Learn Illinois Rules of the Road (available in SLS Office)
before applying for a license. You are required to take a
computer-based test on Illinois traffic laws.

Driving in the U.S. is very different than in other places. You
may want to take a U.S. driving course to avoid problems
with the driving test, even if you are an experienced driver.

Driving Related Issues



Mandatory Insurance Issues

- No person may operate a motor vehicle unless it is covered by liability insurance
 - *Motor vehicle* includes motorcycles but not bicycles
- To *Operate* legally means that you must have proof of insurance (insurance card) on a car you
 - own,
 - borrow from a friend, and
 - drive as a rental.
- You *operate* the second you get behind the steering wheel and the car begins to move.



Mandatory Insurance Issues

PENALTIES

- If you do not have proof of insurance that shows the vehicle was covered at the time of the ticket, you will have to pay:
 - a MANDATORY fine of \$500.00
 - plus court costs, which can be as much as \$250.00
- On a first offense, if you obtain liability insurance **after** the ticket is issued, you will receive *Court Supervision*, which keeps the ticket off your driving record.
 - In Champaign County this will mean a \$100 fine plus court costs.
 - The court will require that you obtain SR 22 Insurance for a year that must be filed with Secretary of State, which requires a total of **three years** of SR 22 Insurance.



Mandatory Insurance Issues

PENALTIES

- If you had valid insurance at the time the ticket was issued but could not locate it, your ticket will be dismissed when you present proof to the court.
- To be valid insurance, the card must specifically cover the vehicle you are operating.
- It is a crime to present false evidence of insurance.
- Student Legal Service can provide representation in Champaign County for insurance tickets.
- Do not go to court without a lawyer!



What To Do During a Traffic Stop

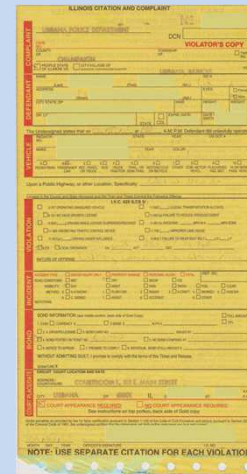
When you see the police lights or hear the siren, pull your car over to the nearest safe area to stop, as soon as possible.

- Do NOT try to flee either by car or on foot.
- Stay in your car and wait for the police officer to come to the driver's side of your car.
- Keep your hands in sight on the steering wheel.
- Do not make sudden movements.
- Stay in the car unless ordered to get out.
- Do NOT try to touch the police officer.
- Roll your window partially down. You will be asked to produce:
 1. Driver's License,
 2. Registration, and
 3. Proof of Insurance.



What To Do During a Traffic Stop

- Produce them for the officer.
 - Always provide the officer with your Name and Address when asked.
 - Providing a false name is a serious crime in Illinois.
- The officer will inform you about what law you were disobeying.
 - Sometimes the police will ask you if you know what you were doing wrong.
 - It is ok to answer, “What do you think I was doing wrong; I am not exactly sure.”
- If you are given a ticket, sign it.
 - Signing a ticket is not an admission of guilt.
- NEVER offer in any way to give the officer money not to issue the ticket.
 - Attempting to bribe an officer is a crime, and you will go to jail.



What To Do During a Traffic Stop

- Do NOT argue with the officer.
 - You can always fight the ticket in court with assistance of Student Legal Service for Champaign County tickets.
- Do NOT tell the officer that:
 - You will sue him/her.
 - That your mom/dad is a lawyer and will have his/her job.
- The officer may ask you to give him money for *bond* if it is a serious offense.
 - This will keep you from going to jail.
 - You will still have to go to court.
 - If you are later found *not guilty*, the money will be returned to you.
- Or, the officer may keep your license as *bond*.
 - You may legally continue to drive with the ticket substituting for your license until your case is resolved in court.



What To Do During a Traffic Stop

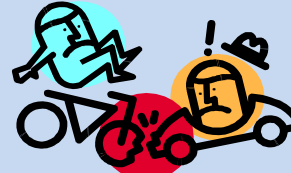
- The officer does not generally have the right to insist on seeing your passport and should not retain it if you provide it.
 - A passport is NOT a valid form of bond for routine traffic tickets.
- You may refuse permission to have your vehicle searched.
 - You may say, if your consent is requested, “I do not consent to my car being searched”.
 - If there is *probable cause* for an offense, the officer may search without your permission.
- Some tickets can result in you being formally arrested and taken to jail:
 - Driving under the Influence of Alcohol or Drugs,
 - Driving on Suspended or Revoked License,
 - Presenting false License or Insurance,
 - and several others.
- Don't panic. Come to the Student Legal Service office after you are released from Jail.

DRIVE SAFELY!

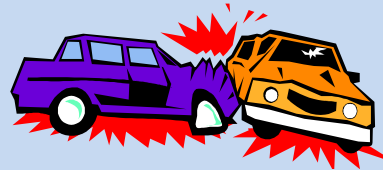


Reporting an Accident

- An accident can be between:
 - one or more cars,
 - a car and pedestrian,
 - a car and a bicyclist, and
 - a car and public or private property.



- The smallest damage to your car or to property is an *accident* and **MUST** be reported to the police.




Reporting an Accident

- If you hit a parked car and, and when you looked, you could not find any damage, you are still required to leave a note for the car's owner.
 - Somebody may have witnessed it and may report you for *Leaving the Scene of a Property Damage* accident.
 - There are cameras all over campus and the community.
- You can be jailed up to 364 days for failure to report an accident to the police.
- If you accidentally hit a parked vehicle **ALWAYS** leave a note on the car with your name, address, phone number and email address, and call the police.
 - In minor damage cases the police usually do not write out a ticket.
- Call your insurance company to let them know about the accident.
 - Failure to promptly report an accident often violates your insurance contract and may lead to serious financial complications.



Reporting an Accident

- File an accident report with the Department of Transportation.
 - The forms will be given to you by the police officer when you report the accident. Your insurance company also has the forms.
 - Make a copy of the report for your record before you send it in.
 - The information you supply on the form does not determine whether you were at fault for the accident.
- If the damage is minor, under \$500.00, you may wish to pay for the damages rather than have your insurance company pay the claim in order to avoid a premium increase.
 - However, you should still notify the Insurance Company before making this decision.
 - Notification is not the same thing as filing a formal claim.



Reporting an Accident

- **NEVER** leave the scene of an accident involving injury to others even if you believe you were not at fault.
 - Leaving the scene of a *Personal Injury* accident is a crime carrying 364 days in jail even if you did not cause the accident.
- **NEVER** leave the scene of a property damage accident even if you believe you were not at fault.
 - If there is \$1,000 or more in property damages it is a crime carrying 364 days in jail even if you did not cause the accident.



Renting a Car

- In Illinois car rental companies may require that you be 25 years old
- If you are the designated driver DO NOT allow another to drive even to just park the car!
 - This is a contract violation and will void insurance in case of accident regardless of who was driving when the accident took place.
- Thoroughly inspect the car for damages before you drive it.
 - Have the rental car agent note even the smallest scratches, nicks, bent license plate, etc. to avoid being charged when you return the car.
 - Insist on careful inspection!



Renting a Car

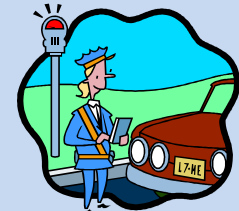
Insurance is MANDATORY for driving any automobile in Illinois.

1. Do you have rental car insurance through your credit card that is valid in U.S.?
 - Do not assume that you do. Check with your credit card company.
2. Does it cover liability to the other driver and damages to the rental car?
 - Check with credit card to make sure.
3. Does the policy on your personal car or your parent's cover you while renting?
 - If so, make sure before you waive insurance through rental Car Company.
4. You might want to pay the extra costs for rental car insurance offered by the company because:
 - a) You do not have any other insurance.



Renting a Car

- b) Even if you have insurance, your premiums can be protected.
 - If there are damages to the rental vehicle or another vehicle the claim will not go on your personal policy.
- c) Credit Card and/or your personal insurance policy may not cover “loss of use” which is the amount rental car companies charge you for money they lose while the rental is being repaired.
- “Insurance” in rental agreements goes by confusing names.
 - Do not accidentally waive coverage because you did not understand the terms.
- You are responsible for traffic and parking tickets while driving the rental car.
 - Do not ignore parking tickets, toll citations, as they will be charged against your credit card by the rental company.



Renting a Car

- Return the car on time.
 - Companies are known to charge penalties for being late by less than an hour.
 - They are in business to make money and will not miss an opportunity to do so.

Drive Safely



Parking Offenses

Parking tickets are not criminal violations, but if you ignore parking tickets, they can cost you a lot of money.

1. If you owe 3 parking tickets to the U of I, they can tow your vehicle.
2. If you have any unpaid parking tickets owed to the U of I, they will not release your transcripts.
 - Tickets issued to vehicles owned by parents will be considered owned by you, and the transcript will be held until these are paid.
3. If you owe 10 or more parking tickets to a municipality (city), that municipality can cause your driver's license to be suspended until the tickets are paid.
 - If you move but do not change your address with Driver's License Services (DMV), the violation notices will continue going to your previous address, and you will not receive them.



Parking Offenses

- Wrong address is not a defense to the suspension because they sent it to the address the Secretary of State Driver's License Services had on file for you.

- If you receive a notice that you owe tickets from some place and you can prove your car was never in that town, or the day or year the ticket says, you should use the process that city has for disputing the ticket.
 - Read the back of the ticket or ticket envelope for instructions on disputing the ticket.

- If you receive a ticket during a time when you are sure there was money in the meter:
 - Take a picture of the meter or write down the meter number and location.



Parking Offenses

- Go online to the parking department that issued the ticket and complete their online form to dispute it.
 1. State the reasons you believe you should not have been issued the ticket.
 2. Clearly state all the supporting facts.
 3. If they rule against you, they will tell you how to appeal.
 4. You generally have only 7 to 10 days to appeal the ruling.
- If your car is towed from a place you believe it should not have been towed, you can contest the tow:
 - Go online to the Police Department for the city from which your car was towed to get the form.
 - You have only a few days to file the form.
 - You can also consult with a Student Legal Service attorney on these issues.



Buying and Selling a Car

BUYING A CAR

- Until you buy a car, the dealer's insurance, registration and title allow you to drive the car legally.
 - The cost of paying for the car title transfer and temporary registration are usually added to the total price of the car.
- Before you buy a car, you should have already arranged to buy insurance to cover you and the car that will be effective immediately when you buy a car.
 - You can arrange this with your insurance agent or an insurance company.
 - Be sure to follow their instructions about providing them with the Vehicle Identification Number (VIN) and other information they need in order to keep current coverage on your new vehicle.



Buying and Selling a Car

BUYING A CAR

- The Dealer will offer to finance the car for you.
 - If you have good credit, check with several banks to find the best interest rate for a possible car loan.
 - The Dealer can negotiate with different banks to find a rate to offer.
 - Compare the best interest rate you found to what the dealer offers to find your best deal.
 - If you do not have a credit rating yet or less-than-perfect credit, you might want to accept the Dealer's best offer.
- The Dealer gets a *commission* for financing a car, and they will usually offer this after you believe the deal is closed, before the paperwork is finished.
 - Be prepared to say “no” if they do not offer you a good rate.



Buying and Selling a Car

BUYING A NEW CAR

- If you buy a NEW car, the dealer will try to sell you an additional warranty that lasts longer than the standard warranty if it is less than five years or 100,000 miles.
 - You can try to negotiate the price of the additional warranty.
 - Be prepared to say “no” if the price is not good.
 - Do research before you go to buy a new car.
 - The additional warranty is usually offered AFTER you have *closed* the deal and while you are doing the final paperwork.
 - Because you have committed to buying the car, the salesperson will likely push hard for you to buy the additional warranty because the profit margin is very high.



Buying and Selling a Car

BUYING A USED CAR

- If you buy a USED car, you usually are buying the car “*as is*”, unless the Dealer provides you in writing specifically detailing what, if any, warranty remains on the vehicle and what specific repairs will be covered.
 - You will, otherwise, be responsible for ALL repairs to the car from the moment you take possession of the car.
 - Arrange with a mechanic, not associated with the dealership or other seller, to inspect the vehicle BEFORE signing a contract or finalizing the deal.
 - The mechanic will be looking for any repairs needed, and
 - Anything unusual about previous repairs or the condition of parts that might indicate more wear than the mileage would suggest.



Buying and Selling a Car

BUYING A USED CAR

- Do not rely on a CarFax report that you order or that the dealer provides to you.

You must pay State sales tax if you buy a car.

You cannot legally drive a vehicle unless it is registered in some state.

- The Buyer must register the car in the State where they reside and obtain proof of temporary or permanent registration to display on the car before driving it.
 - To do this, the car title must be in the Buyer's name.
 - Registering the car requires paying an yearly fee and entitles the Buyer to drive the vehicle on roads in the United States.
 - DO NOT drive a car with someone else's license plates on it.



Buying and Selling a Car

SELLING A CAR

- To sell a car, you must be able to sign the title document that says you own the car and are giving ownership to the buyer, free of liens, meaning Seller does not owe money to anyone for the car.
 - The title is proof you own the car.
 - You must file this proof of ownership, the title, with the Illinois Secretary of State, Vehicle Services Department, to:
 - obtain a loan on the vehicle,
 - sell the vehicle
 - obtain registration, which is the right to drive the vehicle on streets.



Buying and Selling a Car

SELLING A CAR

- The Seller should never leave their license plates on the vehicle.
 - In Illinois, plates are assigned to the owner, not the vehicle.
- If the vehicle remains in the Seller's name,
 - even though the title document has been signed over to the buyer, in the eyes of the law, the Seller will be considered the owner, and the first one contacted if:
 - there is an accident,
 - the car is towed, or
 - the car receives parking tickets.
 - The Seller may be forced to pay for these expenses, and may have to locate the Buyer on his own to try to get the money back.



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