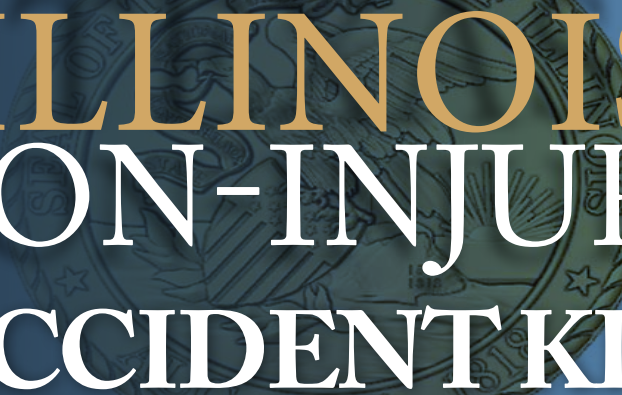


Disparti Law Group, P.A.



Injury and Disability Attorneys

The seal of the State of Illinois is visible in the background of the text. It features a central figure holding a staff and a sheaf of wheat, surrounded by the words 'OFFICE OF THE STATE OF ILLINOIS' and 'JANUARY 1818'.

**ILLINOIS**  
**NON-INJURY**  
**ACCIDENT KIT**



# DLG

Injury and Disability Attorneys

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# INTRODUCTION

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The Purpose of this Illinois Non-Injury Accident Kit is to provide you with basic information and forms to help you resolve property damage claims that occur in a non-injury motor vehicle accident.

**If The Accident In Which You Were Involved Resulted In Injuries, All Those Who Were Injured Should Immediately Obtain Medical Care And Should Consult An Attorney Who Is Experienced In Handling Injury Cases.**

If your collision involved only property damage to your vehicle or its contents, this kit will answer most of the common questions that arise regarding resolving your claim.

When only property damage occurs, a lawsuit with attorney involvement generally is not practical. The cost of direct attorney assistance is too high. Even a lawsuit that you handle without a lawyer's assistance may not be a reasonable option. A lawsuit takes time. When your primary objective is to get your car repaired as quickly as possible, the time required for a lawsuit can be counter-productive. In addition, if an insurance company is on the other side, it will have an attorney. Unless you also employ an attorney, you will be at a disadvantage. If you hire an attorney on a case involving only property damage, you may pay as much or more in attorney's fees as you recover. Therefore, this kit focuses primarily on negotiating a settlement rather than filing a lawsuit.



# AT THE ACCIDENT SCENE

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## ***1. Should I call the police?***

The police and other law enforcement officers who investigate automobile accidents must file written accident reports if an accident results in bodily injury or death or substantial damage to property. In some cases, the parties may decide not to involve the police. Although this may be less time-consuming, the police provide a valuable investigatory resource.

The police reports will include information for the accident scene such as point of impact and length of skid marks, which may help to establish which driver was at fault. In cases where the police are not called, especially where there are no witnesses, the other driver may be more likely to later deny fault for the accident.

IT IS ALWAYS A GOOD IDEA TO CONTACT THE POLICE, EVEN THOUGH THEY MAY NOT COME TO THE SCENE OF THE COLLISION UNLESS THERE IS A SERIOUS INJURY.

## ***2. What should I do until the police arrive?***

Your first responsibility is to find out if anyone was injured in the accident and make sure an ambulance or other medical personnel are called if the injuries appear to be serious.

You should exchange information required by law to be given by each of the parties involved in the accident. This includes:

- name
- address
- telephone number
- license plate number of each vehicle
- each driver's automobile insurance company
- appropriate policy numbers
- driver's license numbers

If the witnesses do not wish to remain on the scene until the police arrive, you should obtain their names, addresses, and home and work telephone numbers.

### ***3. Should I move my car before the police arrive?***

Although it is better not to move your car after an accident (this makes the investigation easier), Illinois law requires that traffic not be obstructed any more than necessary. Therefore, you may have to move your automobile to allow the traffic to continue. If you do move your car, try to remember its exact location before you moved it, and provide this information to the investigating officer. Before moving any cars, it would be wise to mark on the roadway the position of each of the tires on all cars involved in the accident, if you can do this safely. At least take photos or video of the vehicles.

### ***4. What will the police do when they arrive?***

The police are required by law to prepare an accident report in situations involving serious injuries or substantial property damage. To complete the report, the investigating officer will interview the parties involved in the accident as well as other witnesses. The investigating officer will gather appropriate physical evidence (location at point of impact, length of skid marks, whether each vehicle's equipment was functioning properly, etc.) and the officer may issue citations as the circumstances indicate. The police also will require each party to prepare an "exchange card" that has the information that you may already have obtained from the other party regarding his or her identity and automobile insurance information. You should obtain the name and badge number of the investigating officer and determine which agency he or she represents (City Police Department, County Sheriff's Department, Department of Public Safety, etc.)



## ***5. What happens after the police complete their investigation?***

If your vehicle is drivable, you will be permitted to drive it away on your own. If not, you must make arrangements to have the vehicle towed or the police will make those arrangements. Be certain to get the name, address, and the location of the towing company where your vehicle will be stored. If the police tow your vehicle, you will want to make arrangements as soon as possible to remove it to your own property because you may be charged a daily storage fee while your automobile is on the storage lot. Be sure to check your own insurance policy; some policies will reimburse you for certain towing charges.

## **IMMEDIATELY AFTER THE ACCIDENT**

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### ***6. Can I get a copy of the police accident report?***

At the accident scene, the investigating officer will give you the number of the police report (it should be listed on the exchange card). Most accident reports are completed and available three to four days after the accident. You can obtain a copy for a nominal fee at the offices of the investigating agency. You can ask for the report by its number, or if you do not have the number, by simply giving the names of the drivers, and the date and location of the accident. You should get a copy as soon as possible. It will provide valuable information that may help you deal with the insurance company or with the other driver.

### ***7. What happens if traffic citations are issued?***

The investigating officer will determine whether Illinois law has been violated and may issue a citation to one or more of the parties involved in the accident. For more serious violations of Illinois law (for example, DWI and reckless driving), criminal charges may be filed.

If you receive a citation, the date and time for you to appear in court will be printed on it. At that time, you can admit the violation and pay the fine, or

you can request a later hearing at which time you can present evidence and argue that the citation was improperly issued. You have the right to retain an attorney for these matters. For more serious criminal matters, or if someone was injured in the accident, it would be wise to consult a lawyer. In some cases involving criminal citations, if you cannot afford to hire an attorney, the court may appoint an attorney to represent you at no cost to you.

If a citation is issued, a “guilty” plea or a finding of “guilty” at trial cannot be used against you in a later civil trial for damages. Your insurance company is required to issue you a card showing that you have the insurance coverage required by Illinois law. If you do not have that card at the time of the accident, you may be given a citation. Prior to the hearing on the ticket, you can present evidence to the court that you had insurance at the time of the accident and the citation may be dismissed. If you did not have insurance at the time of the accident, you are subject to a possible fine and suspension of your driver’s license and auto registration.

## ***8. What should I do after the investigation is completed?***

Promptly notify your insurance company of the accident. If your car is still drivable, you should obtain repair estimates from two reputable body shops. You also should take photographs that show all the damage to the vehicle from several angles. If you believe the car is a total loss, you should make some effort to determine the pre-accident value of the car. You may do this by reviewing the newspaper classified ads to determine the selling prices of similar cars. You also should check with used car dealers in your area to determine the cost of similar cars and consult Internet resources.



Finally, you should prepare a written statement of the circumstances surrounding the accident while those facts are fresh in your mind. Maintain a file folder in which you keep all pertinent papers, such as police report, photographs, diagrams, estimates, correspondence from insurance companies, etc.

### ***9. Should I get written statements from the witnesses?***

It generally is advisable to obtain statements from witnesses to the accident. These statements should be written, dated, and signed. This should be done as soon after the accident as possible, while the incident is still fresh in their minds. These statements can be extremely valuable if the other driver or that driver's insurance company later claims the accident was all or partially your fault. Be aware that if the witness statements indicate some fault on your part, the other side may eventually use them against you.

The investigating officer usually will list witnesses on the police report, and the officer also may obtain statements from those witnesses. Witness statements, if any, will be included in the police report.

## DEALING WITH THE INSURANCE COMPANIES

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### ***10. What should I do if the other party does not have insurance?***

The "exchange cards" or other information you have obtained from the other driver should tell you if that party has insurance. If the other party was not insured, you can make a claim under the collision coverage of your own policy, assuming the damages exceed your deductible. Your uninsured motorist coverage may apply. If you do not have collision coverage or uninsured motorist coverage however, your only option will be to attempt to recover your damages from the driver or owner of the car that caused the accident. If you want to have your car repaired immediately, you will

most likely have to pay the cost yourself, and then try to recover that expense from the other driver or his or her insurance company. You can start that process by sending the other driver, or the driver's insurance company, a letter, along with copies of the estimates or repair bills, and asking for payment for the cost of the repairs. It may be necessary to work out a payment schedule if the other person is not able to pay all the damages at once.

If the person responsible for the accident refuses to pay your damages, your only recourse may be to file a civil lawsuit. You either can hire an attorney, or you can file suit yourself in Justice of the Peace Court. Instructions on how to do this are included with the sample forms near the back of this kit. If your damages exceed the Justice of the Peace Court limitations, your case must be filed in County Court or in District Court. It will be difficult, however, for you to handle the case in County Court or in District Court without an attorney. Generally, the parties to an accident are not entitled to have their attorney's fees paid by the losing party in a lawsuit. Consequently, depending on the amount in dispute, with most property damage claims it may not be economically feasible to hire an attorney. You may, however, wish to discuss your claim with an attorney before you file a lawsuit. Shop around for consultation fees; they vary widely for this service.

The driver's license and automobile registration of the party who caused the accident will be suspended by the Department of Public Safety until the judgment is satisfied in full or until you fail to renew the judgment. Judgments must be renewed every few years. The Justice of the Peace Courts have information about the procedures for renewal. In addition, the party who caused the accident also must provide proof of financial responsibility (generally, insurance) for the future before his or her license and registration can be returned.

## ***11. Which insurance company should I contact?***

If you think the accident was partially or entirely your fault, you should contact your own insurance company. If the accident was entirely your fault, the only property damage claim you can make will be under the collision coverage of your policy, if you have that coverage. If you believe the accident was at least partially the fault of another driver, you still should contact your own insurance company but you also should notify the other driver's insurance company that you intend to make a claim.

## ***12. What will the insurance companies do?***

The insurance companies will investigate the claim and make a determination regarding liability (that is, who is responsible for the accident). Insurance companies often will ask you to give a written or recorded statement of your version of the accident. Before providing any type of statement to the insurance companies, you should make every effort to prepare for the statement and organize your thoughts so the statement is an accurate description of what happened. Sometimes it can be helpful to write an outline of the accident and keep it for further reference. You will most likely have to repeat your statement multiple times.

## ***13. What if the accident was partially my fault and partially the fault of the other driver?***

Illinois is known as a “comparative negligence” state. This means that in determining responsibility for the accident, the relative fault of each of the parties is established. If it is determined that you are completely without fault and the other driver is 100% responsible for the accident, that driver

or his or her insurance company is responsible for 100% of your damages. On the other hand, if the other driver is 60% responsible and you are 40% responsible, the other driver or insurance company is responsible for only 60% of the damages to your car, and you or your insurance company will be responsible for the remaining 40% of your own damages. The allocation of fault in such cases is a complicated issue. As a result, these cases often are difficult to negotiate. The issue of comparative fault (the respective percentages of fault of each driver) is negotiable.

#### ***14. What happens when more than two vehicles are involved?***

Multiple vehicle accidents can become very complex because the relative degrees of fault, and hence percentage of responsibility for the accident, must be determined and allocated to the respective drivers. If you believe two or more other parties were at fault for the accident, you should contact all of them, or their insurance companies, and try to work out the percentages of fault for each. If you only are able to settle with one party, be sure the release papers state that the party is compensating you for a specified percentage of your total damages. For example, if you agree with party “A” that “A” is 40% at fault and your total damages are \$1,000.00, you can only collect \$400.00 from “A.” Party “B,” also partially at fault in the accident, is not bound by your agreement with “A” (either as to percentages of fault or the total amount of your damages), but would not be liable for more than 60% of your damages in any event. (In this example, the other party’s liability could not exceed \$600.00.)

#### ***15. Am I entitled to a rental car?***

Because automobiles are so essential to our way of life, obtaining a rental car is often a major concern to individuals involved in an automobile accident. As a general rule, if the other driver clearly caused the accident, and your car is not safe to operate or is undergoing repairs, you are entitled to a rental car or compensation for the loss of use of your car while it is inoperable. Whether the other driver’s insurance company will assist in providing you with a rental car varies from company to company. Some

insurance companies will provide a rental car for your use until your vehicle is repaired. In that case, you generally will not have to pay any money out of your pocket. Other insurance companies will require that you rent an automobile on your own and the company will reimburse you at a fixed daily rate. This rate usually is fairly low so you should shop around to get the best rental price. Some insurance companies will compensate you on a weekly basis while others will not reimburse you until your entire claim is settled.

Although you are entitled to a car that is comparable to the car that was damaged, as a practical matter most insurance companies will willingly compensate you only for basic transportation at a fairly low rental rate. If you rent a more expensive car and pay out of your own pocket, it may be difficult for you to obtain the difference from the insurance company without getting involved in a lawsuit. The rental car will be available to you until your automobile either is repaired, or if the insurance company “totals” your car (see paragraph 25), until a reasonable offer is made on your car. You are entitled to a rental car even if you have other transportation available to you.

Some car rental companies have “replacement car” rates that are lower than regular rental charges. Be sure the rental company knows you are temporarily replacing a damaged vehicle.

If you are unable to make appropriate arrangements with the other driver’s insurance company, you should check your own policy to see whether you have coverage to provide a rental vehicle.

## ***16. What damages am I entitled to recover?***

Generally, where repairs are appropriate, the amount you can collect from the other driver or his or her insurance company is the reasonable cost of repairs. The time you must take off from work or from your other activities to obtain estimates, deal with the repair shop, negotiate with the insurance company, etc., is not compensable as part of your property damage claim. In certain unique circumstances, if you can prove that the accident resulted

in definite expenses to you as a consequence of the accident, you might be able to recover these expenses from the other insurance company. In most cases, however, you would not be successful without first hiring a lawyer, and the cost of proving such damages may often exceed any compensation you would receive.

## ***17. Which insurance company will repair my automobile?***

If it is clear that the other party was at fault in the accident, and if you have collision coverage on your automobile policy, you have two choices: (1) you can insist that the other driver's insurance company repair your automobile; or (2) you can have the automobile repairs paid for by your own insurance company under your policy.

If you cannot come to a speedy agreement with the other driver's insurance company regarding the responsibility for the accident and the amount of the damages, this will delay your automobile being repaired. In that case, you should have your own insurance company pay for the repair, rather than continuing to fight with the other driver's insurance company. If your own company repairs the vehicle, it would cover the entire repair costs (excluding deductibles) regardless of who caused the accident. If your own insurance company pays for the repairs, it may attempt to collect the amount it paid from the other driver or his or her insurance company, if that driver was at fault. If your company is successful in doing this, it also should collect the deductible that you have previously paid, and that should be returned to you. You should request that your company do this for you.

In some cases, you may find it is easier to work with your own insurance company. It may be more willing to make repairs to your satisfaction than the other party's insurance company. Obviously, your own insurance company would like to keep your business as a customer, whereas the other insurance company has no similar incentive.



## ***18. Will my insurance rates be affected if I make a claim under my own insurance policy?***

If the accident clearly was not your fault, your premium should remain unaffected by any claim under your own collision coverage. If your company attempts to increase your premium as a result of an accident that was not your fault, you should discuss this with your insurance agent. If you receive no satisfaction, contact the Illinois Department of Insurance.

## ***19. What if the other driver's insurance company is to repair my car?***

If you do not have collision coverage, or if you are unwilling or unable to pay the deductible, you should seek to have the driver who was at fault or that driver's insurance company pay your damages. That insurance company may be cooperative and satisfy you that the repairs will be done in a prompt and satisfactory manner.

If your car is drivable, the other party's insurance company may want you to go to a drive-in claims office for an appraisal. You should make arrangements with the adjuster assigned to your claim for an appropriate appointment time. If the car is not drivable, you should notify the adjuster of the location of the car so it can be viewed by the adjuster. In some cases, arrangements will have to be made to have the automobile towed to a dealer for an estimate. Also, be sure to let the company know if the car is being stored, and the amount of the storage charges.

## ***20. Can I select the body shop to make the repairs on my car?***

The insurance company must compensate you for the amount reasonably necessary to repair your car. Often, insurance companies will have made arrangements with certain repair shops for reduced rates, and they will ask that you have your car repaired by that shop. Although you have the legal right to select the shop where your car is to be repaired, the insurance

company is required only to compensate you for the reasonable repair cost (which may be less than your own shop of choice would charge). You may be responsible for the difference, especially if the additional costs are unreasonable.

The choice of body shops is a matter subject to negotiation with the insurance company. If the estimate given by the insurance company's shop is far lower than the estimate you received from the repair shop you select, you should have your repair shop discuss the matter with the insurance adjuster. Alternatively, ask your repair shop to review the insurance company's estimate and point out to you why that estimate is unreasonably low. You should take this information to the insurance company to see if you can work out a compromise. If no agreement can be reached, you have the choice of either accepting the insurance company's repair estimate or paying your repair shop to do the work and then filing a lawsuit against the responsible party (or your insurance company, if you are making a claim under your own collision coverage or uninsured motorist coverage) for the cost of repairs. This is a difficult matter because the insurance company may hire an attorney to contest your lawsuit, and the cost of resolving the case in court may exceed what you reasonably expect to receive.

## ***21. Who is responsible for faulty repairs?***

If you discover when you pick up your car that the repairs have not been completed satisfactorily, discuss this immediately with the repair shop. If the shop is unwilling to make further repairs that you think are necessary, contact the insurance company at once to see if the problem can be resolved. If the company refuses to authorize further repairs, and if the repair shop claims that the repairs were satisfactory both in terms of the quality of the parts used and the workmanship, you have limited options. Generally, faulty workmanship is the responsibility of the repair or body shop, as it would be if you were having repair work performed in the absence of insurance. If satisfactory results cannot be achieved, you may need to take your vehicle to another body shop to correct the problems. This would then give rise to a claim against the original body shop. This may require a lawsuit. Know your body shop's reputation before you

commit to repairs. Never sign any release papers until you have taken your vehicle for a test drive after the repairs have been made.

## ***22. What if the new paint on my car doesn't match the old paint?***

It often is difficult for a repair shop to perfectly match the paint on the repaired portion of a vehicle — particularly with older cars. Even if a large portion of the vehicle is affected and the difference in color between the old paint and the new is readily apparent, most insurance companies will refuse to paint the entire vehicle. You have the option to file a civil lawsuit for the diminished value of the car because of the problems with the paint. Unfortunately however, such a suit would not always be successful, and in most cases the cost of litigating the issue may be more than the cost of the paint job. Continue to discuss the matter with the insurance company and the body shop. Perhaps you can work out a reasonable compromise.

## ***23. Can I insist on new or dealer-manufactured parts?***

Repair shops, often at the direction of the insurance company, may attempt to repair the car with used parts or with parts manufactured by someone other than the original manufacturer of your car. For example, if your car is a Chevrolet, the repair shop may attempt to either install used parts or parts that are not manufactured by General Motors. If you are having the repairs performed under the collision coverage or the uninsured motorist coverage of your own policy, be sure to check the policy to see what it says with regard to the type of parts that can be used for the repairs. You can negotiate with your insurance company on this point.

If the other party's insurance company is performing the repairs, you generally are in a better position to insist on new or manufacturer-quality parts if you can show there is any potential defect in the parts that the repair shop or insurance company wants to use. If the parts proposed are of demonstrably lesser quality (for example, they are not treated for rusting,

or they are not as strong as the parts that were in your original car), you have a good argument that new or higher-quality parts must be used. Generally, however, used parts in good condition are permissible because the parts of your car that are being replaced also were used at the time of the collision. Once again, this comes down to a point of negotiation with the insurance company. Unfortunately, if the insurance company refuses to negotiate, and you feel strongly about the matter, your only recourse may be to file a civil suit.

## ***24. Do I have to sign a release?***

At the time you pick up your car from the shop where repairs were made, you may be required to sign a release giving up any future claims against the responsible party and his or her insurance company for the property damage to your car. You should ask your repair shop to allow you to inspect and test drive the car before signing the release to make sure there are no apparent defects or problems. You also should be sure to read the release form you sign, and make certain it is limited solely to property damage and does not give up any other claims you might have — including those for bodily injuries.

## ***25. What if my car is “totaled” in the collision?***

In some instances, especially with older cars, the cost of repair will exceed the fair market value of your car. When an automobile is destroyed and not reasonably capable of repair, you are entitled to the difference between the vehicle’s value before the accident and its salvage value, if any, after the accident. The value before the accident can be determined by a variety of sources including reference to the N.A.D.A. Official Used Car Guide, newspaper ads offering similar cars for sale, statements from car dealers or other services that appraise automobiles, and online records.

If your car is totaled, the insurance company, as a condition of paying you the value of your car, may require that the car and the title be turned over to the company. Alternatively, the company will establish a “salvage value” for the car and you may be able to negotiate with the insurance company to

receive the fair market value of the car less the salvage value, in which case you still could keep the car.

If you disagree with the dollar amount the insurance company uses regarding the fair market value of your automobile, you can negotiate with the adjuster using information from the sources mentioned previously. Unfortunately, most insurance companies use a particular service to estimate value, and they are not always willing to give you more than that service indicates the automobile is worth. If they are offering you substantially less than what you feel your car is worth, your only option may be to file a civil lawsuit.

If your vehicle is totaled, you also are entitled to some reimbursement for taxes and registration fees.

## BODILY INJURIES

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### ***26. What if I later find I was injured in the accident?***

If you have signed a general release form that is not limited to only property damage, any future injuries might be your own responsibility, even if the other driver was at fault. The insurance company has no right to require you to give up any potential bodily injury claims in order to settle your property damage claim. Be sure that any release you sign is limited to property damage only. If you discover at any time after an accident that you were injured in the accident, promptly contact an attorney who is experienced in handling injury claims.

### ***27. If I find at a later time that I was injured in the accident, who will pay the medical bills?***

Sometimes, a person may be injured in an automobile accident but the injuries will not become apparent until days or even weeks after the accident. If this occurs, you should seek medical attention at once.

If you do have accident-related injuries, you should consult an attorney who is experienced in handling injury cases. Most attorneys who practice personal injury law are willing to consult with you about your accident-related injuries for free and, if you retain one of them to represent you, it generally will be on a contingency basis, which means the lawyer will earn a fee only if the case is successful.

A variety of sources may be available from which you may recover medical expenses. First, if you have a medical insurance plan (through work or otherwise), that coverage will in most instances apply. Additionally, two standard coverages that are available on most automobile policies are Medical Payments and Personal Injury Protection coverage. If you have Medical Payments coverage under your own policy, it generally entitles you to have medical bills reimbursed up to the specified policy limits for you or anyone in your car who is injured in an accident. If you have Personal Injury Protection coverage under your own policy, it generally entitles you to have medical bills and 80% of lost earnings reimbursed up to the specified policy limits for you or anyone in your car who is injured in an accident. These payments must be made regardless of who was at fault.

If the other driver was at fault but was uninsured, you can proceed under your own uninsured motorist coverage to have your insurance company handle your accident-related medical bills. If the other party does have liability insurance, you can contact that insurance company for payment. If the other party does have liability insurance, but the amount of the insurance is insufficient to cover all your damages, you can proceed under your underinsured motorist coverage to have your insurance company make additional payments, up to the limits of that coverage.

If you were on your job at the time of the accident, you should notify your employer immediately, and contact your attorney or the Illinois Department of Insurance, Division of Workers' Compensation about filing a Workers' Compensation claim.

In some instances, an insurance company will require you to pay your medical bills and then it will reimburse you. There is always the possibility



that the insurance company will deny that the injury is accident-related, depending on the amount of time that elapsed between the accident and your first treatment by a doctor. For this reason, it is critical that you have any injuries that appear to be accident-related checked out by a doctor as soon as possible after you experience symptoms.

Remember however, that any claim involving injuries and medical expenses should include a consultation with a lawyer experienced in handling injury claims.

## LITIGATION AS AN ALTERNATIVE

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### ***28. When should I seek the advice of a lawyer concerning property damage questions?***

Most personal injury attorneys will handle or assist with property damage claims when they also are representing a client with a claim for injuries. If you were not injured however, it may be worth your while to consult an attorney only if the amount in dispute is relatively large. In some cases, a single consultation with an attorney may be helpful. Shop around by telephone for consultation fees; they vary for this service.

### ***29. How do I proceed in Justice of the Peace Court?***

If you are unable to resolve your claim through negotiations, you may wish to file a claim (lawsuit) in your local Justice of the Peace Court. Sample forms and instructions for doing this are included in this kit. Also, information and assistance are available at all Justice of the Peace Courts in Illinois.

## CONCLUSION

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Every reasonable effort has been made to insure the information presented in this kit is correct. It is not possible, however, to address every conceivable fact situation in pamphlet form. Additionally, laws change and specific fact situations may require the application of a different rule of law. For this reason, you should consult an attorney if you have questions that are not answered here.

# JUSTICE OF THE PEACE COURT

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If your efforts to resolve your property damage claim are unsuccessful, you may wish to file a civil lawsuit against the person or persons responsible for the accident. We have included in this Illinois Non-Injury Accident Kit this section explaining the operation of the Illinois Justice of the Peace Courts.

Claims that do not exceed \$10,000 may be filed in Justice of the Peace Court. Claims that do exceed \$10,000 must be filed in County Court or District Court. Please note that we do not recommend you file a lawsuit in any other court than Justice of the Peace Court without the assistance of a lawyer. Rules and procedures in other courts are more complicated.

Court personnel are available at all Illinois Justice of the Peace Courts to answer most of your questions about rules and procedures.

Generally, a lawsuit for damages arising from an automobile accident occurring in Illinois must be filed within two years from the date of the accident or it may be barred permanently. This is referred to as a “statute of limitations.” Be sure to file your lawsuit within two years from the date of the accident!

The driver of the vehicle responsible for the accident may not be the owner of that vehicle. Although the owner, under certain circumstances, may be liable to you for your property damage, these circumstances are very limited, and it is generally sufficient to sue only the driver of the vehicle and not concern yourself with the owner.

Although you may have been dealing with the other driver’s insurance company to try to resolve your dispute, when you file your Justice of the

Peace Court lawsuit, you do not sue the insurance company directly.

If the person you sue obtains a lawyer at any time while your lawsuit is pending, you would be wise to consult a lawyer also. You may do so inexpensively by contacting your local bar association's lawyer referral service.

If you obtain a judgment against the responsible driver, the Justice of the Peace Court can give you only very limited guidance on collecting your judgment. If the person you sued does not pay your judgment voluntarily, you may need to get some advice from a lawyer. If that becomes necessary, you can contact your bar association's lawyer referral service.

You can request that the Court send a copy of the judgment to the Illinois Department of Public Safety. This can be helpful in encouraging the other party to pay the judgment.

Each Court has its own required forms for filing a lawsuit. If you need to file a lawsuit, you should go in person to the Justice of the Peace Court most convenient to you and request a copy of that Court's form for filing a complaint or petition.

## WHEN AN INJURY OCCURS...

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Some injuries do not show up for days or weeks after an accident. If you experience pain or other symptoms following an accident, see your doctor immediately.

If you have been injured or lost a loved one in an accident, we at Disparti Law Group want to help. You can see us for free, with no obligation.

# CONTACT INFORMATION

(312) 600-6000

## CHICAGO OFFICE LOCATIONS

121 W Wacker Dr. Suite 2300  
Chicago, Illinois 60601

[www.DispartiLaw.com](http://www.DispartiLaw.com)

*Call Us — It's Just that Easy*

# YOUR INSURANCE INFORMATION

Named Insured: \_\_\_\_\_

Insurance Company: \_\_\_\_\_

Address and Phone: \_\_\_\_\_

Insurance Agent: \_\_\_\_\_

Address and Phone: \_\_\_\_\_

Insurance Policy Number: \_\_\_\_\_

Policy Expiration Date: \_\_\_\_\_

Covered Automobiles: \_\_\_\_\_

**1.** Make: \_\_\_\_\_ Type: \_\_\_\_\_ Year: \_\_\_\_\_

Color: \_\_\_\_\_ License Plate: \_\_\_\_\_

Vehicle Identification Number: \_\_\_\_\_

**2.** Make: \_\_\_\_\_ Type: \_\_\_\_\_ Year: \_\_\_\_\_

Color: \_\_\_\_\_ License Plate: \_\_\_\_\_

Vehicle Identification Number: \_\_\_\_\_

**3.** Make: \_\_\_\_\_ Type: \_\_\_\_\_ Year: \_\_\_\_\_

Color: \_\_\_\_\_ License Plate: \_\_\_\_\_

Vehicle Identification Number: \_\_\_\_\_

**4.** Make: \_\_\_\_\_ Type: \_\_\_\_\_ Year: \_\_\_\_\_

Color: \_\_\_\_\_ License Plate: \_\_\_\_\_

Vehicle Identification Number: \_\_\_\_\_



A photograph of the Chicago skyline at dusk. The Willis Tower is the central focus, with its top illuminated in red. The sky is a mix of orange, pink, and blue, with scattered clouds. Other skyscrapers are visible, some with lights on. The foreground shows a body of water reflecting the city lights.

DLG

Injury and Disability Attorneys

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