



A Guide to Illinois Car Accidents

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Statistics

From the latest [report](#) of the Illinois Crash Facts and Statistics (2016):

- Crashes involving motor vehicles: 324,473
- Resulting injuries: 66,703 (20.5%)
- Fatalities: 1,078 (less than 1%)
- Total estimated cost of crashes: \$7.7 billion
- Speed as major factor: 32.6% of all crashes, approximately 108,000 crashes
- Most crashes, over 80%, took place on dry roads, and almost half occurred during daylight hours.

Introduction

Nobody likes to think about car accidents, but when they occur, it's best to have a plan. This guide is designed to walk you through the process of dealing with a car accident, from a checklist of steps to go through at the scene to tips on communicating with insurance companies to information on special circumstances, like work-related car accidents. By being informed and prepared, you can make the aftermath of your accident as seamless as possible so you can get back to your life.



What to Do After a Car Accident: 7 Simple Steps

Accidents happen. But what does a driver need to know when they do? Immediately after a crash, these seven steps will smooth the way for your insurance company—and yourself—as the investigation process unfolds.



Car Accident Checklist: At the Scene

1. Move and Exit Your Vehicle
2. Call for Help
3. Exchange Information
4. Document the Crash
5. Inform Your Insurance Company
6. Call an Accident Lawyer
7. File an Accident Report

1

Move and Exit Your Vehicle

If the accident happened in heavy traffic, there are only minor injuries, and your car is functional, drive to the side of the road or other area nearby that is out of the way of traffic. If that isn't possible, leave it where it is and get yourself to safety: walk to the side of the road or to a parking lot nearby and get as far away from traffic as possible. If you or others are seriously injured, stay in the car until help arrives.

Be careful about stepping out into traffic. Other drivers on the road are probably attempting to get around the crash site and may not be watching for your car door to open as they try to pass. And wherever your vehicle ends up, turn on your hazard lights if they are operational.

2

Call for Help

There is no specific law in Illinois requiring a driver to call 911 after a mild crash. If the accident is a fender-bender and no one is hurt, you have the option to call 911 and ask them to record the occurrence of an accident (based on your call) without the operator sending an officer to the scene.

If there are any injuries and there is major damage to one or both of the vehicles, you are legally obliged to call 911 and ask for medical and onsite law enforcement assistance. If you can't locate your phone or if it was damaged in the crash, ask someone to call for you.

3

Exchange Information

Drivers involved in the crash need to exchange the following critical information:

- Full name and contact information
- Insurance company and policy number
- Driver's license and license plate number
- Vehicle type, color, and model
- Location of accident (be specific)

It is natural to want to talk about a chaotic situation as it unfolds. However, resist this urge and refrain from talking to the other driver as much as possible. Under no circumstances should you feel pressured to talk to them, and you should not admit guilt or discuss fault at all at this point. If you're waiting for law enforcement, after you exchange information, it is best to step away and wait for the officer separately.

4

Document the Crash

Take as many photos and videos of the location, the traffic, and the vehicles as possible. Take special note of damage to the vehicles. If there appear to be witnesses, get their names and contact information.

5

Inform Your Insurance Company

You may want to call your insurance agent at this time to report the accident. If you cannot call at the scene of the accident, call as soon as possible after you leave. State laws vary in this area, but in Illinois, the insured drivers have a duty to alert their insurance company of any possible claims. Drivers are also obligated to cooperate with the insurance company in its investigation.

In order to understand the language of the adjuster, it is important to know the meaning of some common terms related to your policy:

Deductible: The amount you will have to pay out of pocket to get your vehicle repaired before the insurance coverage is activated.

Collision Coverage: This coverage pays for damage to your vehicle caused by a collision with another vehicle. (Comprehensive coverage is for all other types of damages, such as theft or vandalism.)

Rental Reimbursement: This type of coverage supplies you with a rental car while your vehicle is being repaired. When you call to report the accident to your insurer, ask your agent if you have this coverage and what its limits are.

6

Call an Accident Lawyer

Sometimes after an accident, you know immediately that you'll need legal representation. In that case, calling an accident attorney while at the scene can provide a huge advantage. It gives the attorney the opportunity to advise you as you deal with the other driver and with law enforcement, or even to visit the crash site. Keeping the name and contact information of a reputable accident attorney in your vehicle can be a huge help if you decide to take this step.

7

File an Accident Report and Leave the Scene

The officer(s) who respond to the scene will talk to both drivers and complete an accident report. Insurance companies require a copy of that report to help with the claim investigation, so make sure you get a copy and keep it in a safe place until you need it again.

Once law enforcement is finished with their report, you can arrange to get your vehicle home or to a repair shop. Make sure you take all personal items out of your vehicle before allowing it to be towed.



What About Insurance?

Filing a claim after a car crash can seem daunting. Once you've left the scene of the accident and gotten safely home, it's time to start thinking about filing an insurance claim. Your agent and the adjuster assigned to your case can be helpful so don't hesitate to keep in touch with them and to ask questions as they arise. Protect yourself and ensure that your damages are adequately covered by following the advice in this section.

Illinois: A Fault State

Illinois is a "fault" state when determining who will pay for damages incurred in an auto accident. This means that the person deemed to be the cause of the accident must pay for harm caused by the crash. Of course, it will actually be that person's insurance company that pays the losses up to the limits of the driver's policy.

If you are injured or suffer losses due to someone else's negligence in a car crash, you have more options than in a "no-fault" state:

- You can file a claim with your own insurance company (within the limits of your policy). Your insurance company will then seek compensation for the payment they make to you by working directly with the other insurance company
- You can file a claim with the negligent driver's insurance company
- You can file a personal injury lawsuit in civil court against the driver of the other vehicle

To prove negligence by the at-fault driver, you need to show that:

- Personal injury or damage exists
- There was negligence by the at-fault driver. This means the driver acted in a dangerous or unreasonable manner or failed to act reasonably under the circumstances at the time of the crash
- This unreasonable behavior caused the accident
- The injury and/or damage was the result of the accident
- The treatment or repair was necessary and the cost was reasonable
- Proof of other damages, such as pain, suffering, or loss of consortium that occurred as a result of the accident

Depending on who was at fault, your insurance company or the insurance company of the other driver will be heavily involved in any repairs to your vehicle, or may decide to replace your vehicle entirely. Learn more about this process in the next section.

Uninsured Drivers

What if the other driver isn't insured, even though it is required by law? Drivers seeking damages can first deal with their own insurance policy to determine how to proceed. Uninsured motorist coverage exists for this reason, so if it is in your policy, follow that path first. It is possible you will receive compensation there. However, if you and your insurance company can't come to agreeable terms about liability and damages, resolution is generally sought through arbitration.

The driver seeking damages may also choose to sue the at-fault driver, especially if the time limit for filing a suit is approaching. This will protect the plaintiff's ability to seek collection in the future if they can't reach an agreement with their insurance company.

Insurance Is Mandatory

In Illinois, motor vehicle insurance is mandatory. Registered vehicles must be insured for liability purposes with the following minimum limits: \$25,000 for injury or death to one person in an accident; \$50,000 for injury or death of more than one person in an accident; and \$15,000 for damage to property of another. ([625 ILCS 5/7-601](#) et seq and [625 ILCS 5/7-203](#)). Comply with the law and protect yourself by enrolling in auto insurance and keeping your proof of insurance in your vehicle at all times.

Fix My Car: Repairing or Replacing Your Vehicle

Your initial concern after an accident is for your safety and the safety of others involved in the crash. Once those immediate issues are addressed, the next item on the priority list is often your vehicle. The “to do” list may seem overwhelming, but with a little planning, you’ll be back in your own vehicle in no time.



Right After the Accident

The process of repairing or replacing your vehicle often occurs immediately after the accident. Depending on the situation, you may be able to move the vehicle yourself, or you may need to have it towed.

If the Car Is Drivable: If the car is drivable and you are able to operate it safely, you can leave the scene once the officer has finished the paperwork and told you what, if anything, you need to do next regarding a court appearance, payment of fine, etc.

If the Car Is Not Drivable: If you are unable to drive and are at the scene alone, it is wise to either have the car towed or leave it in a safe place (not along the side of the road) until you can retrieve it later (usually within 24 hours). Make sure you alert any businesses in the immediate area that you will come back for your vehicle; leave them your contact information in case they need to reach you before you return.

If You Are Injured: If you are taken to a hospital from the scene of the accident, your car may be towed if it is on public property. Call 411 to find out where you can re-claim your vehicle; provide the operator with the report number. Once you know where the car was towed, call that facility and ask for details on what paperwork you will need and what the fee will be to release the vehicle.

Assessing the Damage

The insurance adjuster assigned to your case investigates the accident and determines how much the company will pay for damages. This is done by physically inspecting the car, as well as the accident report, to determine what the parts and labor will cost to repair the vehicle. Feel free to ask questions of the adjuster if you don't understand their assessment or if you disagree with the report. Your adjuster can be helpful during the claim and repair process; don't hesitate to stay in touch with them.

Choosing a Repair Shop

Your insurance company may recommend a repair facility that they work with for all their claims work. There are some benefits to you to use the facility they recommend:

- You can save time and money by using this streamlined repair and payment process. When the repair is complete, you pay only the deductible and the rest is handled directly between the shop and your insurance company.
- As part of their service, this shop often does everything in one place: the estimate, the repair, and provision of a rental car (if that is covered under your policy).
- The shop has been screened by the insurance company in advance to assure quality standards.
- Many shops extend warranties on their repairs to customers sent by insurance companies.

However, you are under no obligation to use the repair shop your insurance company recommends. If you decide to choose your own:

- Get recommendations from friends, family, and online sites.
- Check the facility's certifications from organizations like the National Institute for Automotive Service Excellence (ASE), Automotive Service Association (ASA), and others that regulate the industry. This indicates that the mechanics meet or exceed industry standards for repair work.
- Observe. Is the shop busy? Clean? Organized?

Repair Warranties

If you choose the repair shop suggested by your insurance company, the repair warranty will usually be better than what you may find elsewhere. This warranty outlines what the shop will guarantee for any covered parts and repair work during a specified period of time.

You should ask about the repair warranty at the beginning of the repair process. Whether or not there is one in effect, you should feel confident that the shop will stand behind their work in the event of problems. Ask to see a copy of their warranty policy, which should be included in the paperwork provided when the job is completed.

Car Parts

The issue of parts can be confusing and can catch consumers off guard if they don't know what to ask. Find out from your adjuster what your insurance company covers: New parts made by the manufacturer, "after market" parts made by other companies, or recycled parts. If the shop offers recycled or after-market parts, you have the right to refuse them; however, you may have to pay the difference in price. Even manufacturer parts may be recycled, depending on the requirements of your insurance company. The key again is to ask questions up front.

[Illinois law](#) requires "..... disclosure when any use of an aftermarket non-original equipment manufacturers crash part is proposed and by requiring that the manufacturers of such aftermarket crash parts be identified."

Totaled Vehicles

A car is considered totaled when the repair estimate exceeds what the car is worth. This is a determination made by the insurance company as a result of the estimate. The value of the car is assessed using a number of factors, such as the age and mileage of the vehicle, the resale value, and what the market is for similar cars in your area at the time.

If the car is considered totaled, the insurance company will take your policy's deductible out of the actual cash value and give you the remaining amount. It is important to note here that the car's owner is still responsible for any outstanding loans on the vehicle.

The Illinois "Total Loss" Insurance Definition also outlines some facts about replacing your vehicle. You can find that information [here](#).



Injured On the Job: Workers' Compensation in Car Accidents

If you are a passenger or driver and operating a company vehicle for a work-related task at the time of an accident, the incident will most likely be considered work related. Such tasks might be:

- Running an errand for your employer
- Driving for the company as your living
- Making deliveries for the company
- Driving another employee to a work-related location
- Commuting to clients for your employer
- Traveling back and forth to work from home if your employer pays you for that time

Workers' compensation cases between employers and employees injured on the job are handled by the Illinois [Workers' Compensation Commission \(IWCC\)](http://www.iwcc.org). It is the employer's duty to report an employee injury within two days if the injury resulted in more than three lost days of work.

However, the Commission won't act on that information until the employee files a claim. It is then up to that employee to prove their claim to the administrative judge. This includes proving the following:

- They were working for the employer on the day of the accident
- The worker was injured while working for the employer
- The injury was caused by the accident (or an existing condition was made worse)
- The employee notified the employer of the accident within the required time limits

During the process, the employee must also give the employer all medical reports and records *that pertain to the accident and injuries suffered by that accident*. (There is NO requirement to release all medical records to anyone.) These records will help the employer determine the employee's health status and ability to return to work. If the records are not made available, the employer is not obligated to pay benefits.

Also, the employer can dispute the following, which may reduce the benefit paid:

- The extent of the injury
- The average weekly wage amount
- The medical necessity of treatment

In the event that the employer and employee cannot reach an agreement, the employee has the right to file a lawsuit in an attempt to be paid what they feel is a fair amount under workers' compensation.

It is also important to note that the issue of fault is not part of a workers' comp claim. The employee is entitled to seek benefits, even if they were at fault in the accident, as long as they were working for the employer at the time.

There is no provision for vehicle repair or replacement through workers' compensation; that is usually covered by auto insurance.

Should I Hire a Car Accident Attorney?

If you've been in a car accident, you may well need an attorney. Here are some factors to consider as you make this decision:

- Were there serious injuries?
- Was there extensive damage to property?
- Is the insurance company being cooperative?
- What is the age of your vehicle?

Some people make the decision to hire an attorney, while others realize they need legal representation after some time has passed and they have sought medical advice. You might want to consider getting legal advice if:

- The medical bills are larger than you expected or the bills keep coming in
- Your doctor isn't sure about long-term effects of injuries
- Someone died in the crash
- There was a great deal of property damage
- It is not clear which driver was at fault
- There are complicated legal or medical issues with those involved
- The accident took place in a construction zone, school zone, etc.
- There are disputes on the accident report or other paperwork
- The insurance company is not cooperative

Be aware that once a settlement is reached, there is not much chance that you can seek more damages later. Hiring an attorney to represent your interests may help you get the compensation you deserve.



7 Tips for Preventing Car Accidents

Driving a vehicle carries inherent risks, especially with today's crowded roads and increased driver distraction. Preventing a crash from happening at all is, of course, the ideal solution. Stay vigilant by following these tips.

1 Care for Your Vehicle

Keep all vehicles in good repair. The driver's attention must be on the road, not on a malfunctioning vehicle.

2 Eliminate Distractions While Driving

It is against the law in Illinois to use a hand-held phone except to report an emergency. Drivers over the age of 19 may use Bluetooth technology while driving, but refraining from using the phone is recommended, as receiving or making an emotional call is enough of a distraction to cause an accident. Keep the phone on silent while driving to avoid the temptation of answering a call or text, and set the standard with friends and family that you won't answer calls or texts while driving. Some phones even have settings that send an automatic "I am driving, I will call or text you back" message if you're on the road.

3**Don't Drink and Drive**

Designate a driver who will commit to getting everyone home safely after an evening out. If that isn't possible, take advantage of rideshare companies like Lyft and Uber, or simply call a cab. You may feel like you can drive home at the end of an evening, but it's always better safe than sorry, especially considering the lives of passengers and others on the road are at stake as well as your own.

4**Stay Rested**

Break long trips up by stopping frequently to walk around and do some simple exercises. Get enough rest before starting a trip. Pull into a safe, well-lighted location to nap if necessary.

5**Don't Speed**

This is particularly important if you're in an unfamiliar area or if you have a limited sightline (such as before a curve in the road).

6**Use Technology**

Become familiar with some of the technology available on new models of vehicles to prevent crashes. Systems like forward-collision warning, automatic emergency braking, blind-spot warning, rear cross-traffic alert, backup cameras, lane-keeping assist, adaptive cruise control, are designed to keep drivers—and their passengers—safe, but if you don't know how to use them, they can be distracting rather than helpful.

7**Enroll in Driver's Education**

If you're particularly concerned about safety while driving, consider enrolling in a driver's ed course made specifically for licensed drivers. A professional can teach drivers of any age how to drive defensively. They also go over the written (and unwritten) rules of the road: Don't tailgate or flash your lights at other cars; use the left lane for passing only; don't interact or attempt to communicate with other drivers; stay within the speed limit; observe traffic signals. This can be a good reminder for new and experienced drivers alike. Check with the local school system or search the Internet to find professionals who offer classes to adults in your area.

Q&A

I loaned my car to a friend and they got into an accident. Who pays?

Liability generally follows the car and this is no different. If you gave the driver permission to drive the car, your coverage remains in effect. However, if you knew your friend was likely to endanger others while driving your vehicle—their license had been revoked, for example—you can be held liable for your friend's negligence as well as your own for giving him the keys to your car. This is called "negligent entrustment."

What are my responsibilities while my car is being repaired?

- Get the name and contact information of the service advisor who helps you when you drop your car off (or when it arrives there if it is towed). The advisor in a reputable shop will want your repair to go smoothly for both their mechanic and for you as the customer. They will be able to update you as the repair progresses, especially if there are any delays along the way.
- Review the estimate. Make sure it is in writing and that there are no areas left blank. It should show the cost of all labor and parts up front. Ask questions if you don't understand or see anything that concerns you.

I was injured in an accident. Who pays my medical bills?

In most cases, if you are injured in a car crash, you are either transported to a nearby hospital or you seek help on your own from your doctor. You will then pay the usual deductible or copay under your health plan. At some facilities, they will not require any payment at that point when a car crash is involved. They will deal directly with any insurance companies involved and it will be sorted out between all of them.

Aside from any immediate medical attention accident victims might need, your auto insurance liability coverage applies. The at-fault driver's policy will be held responsible for medical bills for anyone injured in the crash, up to the limits of that person's policy. If some medical bills were already paid by the health insurance company, that company will attempt to recover their money from the car insurance company of the at-fault driver.

Once the limits of the car insurance policy are reached, medical bills become the responsibility of the injured person's health insurance. It is recommended that you know what your policy covers before there is an accident. Deductible, co pays, and non-covered expenses will still be the responsibility of the person seeking medical help.

What Are the Statutes of Limitation in Illinois for Car Accidents?

- ✓ Personal Injury: Two years - [735 ILCS 5/13-202](#)
- ✓ Property damage: Five years - [735 ILCS 5/13-205](#)
- ✓ Personal Injury and Property Damage when the [defendant](#) is a local public entity or any of its employees: One year - [745 ILCS 10/8-101](#)

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