

If the car you buy does not work as promised, or if the seller will not make repairs as promised, you have several options. One option would be to sue under the Illinois Consumer Fraud and Deceptive Business Practices Act. If successful, you might be able to force a dealer to repair the problem, and also to pay your attorney's fees. If the misrepresentations are serious, the Court could find that the dealer must buy back the vehicle. Another alternative would be to file a complaint with the Attorney General's Office. The Attorney General's Office may be able to contact the dealer and resolve the complaint to the satisfaction of all parties. If the Attorney General's Office receives a number of complaints about a dealership, it may initiate further action on behalf of the complaining consumers under the Illinois Consumer Fraud and Deceptive Business Practices Act.

If you notice problems with either a new or used vehicle, keep written records of all of your complaints as problems occur. Keep copies of all of your repair orders and receipts even if a warranty covers the repair cost. Complete and accurate records will greatly increase your chances of achieving the results you want should it be necessary to go to arbitration or to file suit. If you are having problems caused by any aspect of your purchase of a car, we suggest that you contact your attorney to discuss the facts with him or her.

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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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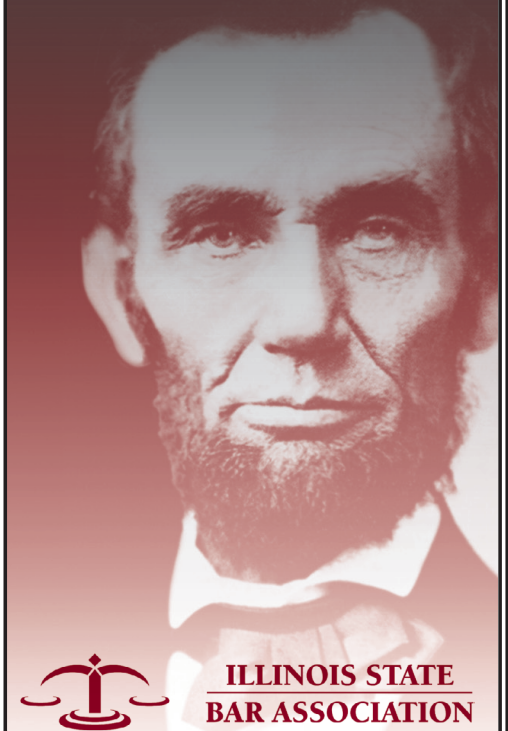
For more information on legal issues or to obtain single copies of each of the pamphlets listed above (free to individuals), please visit [www.ISBALawyers.com](http://www.ISBALawyers.com)

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**ILLINOIS BAR CENTER**  
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**Consumer Legal Guide**

**Your Guide to  
Buying a Car**



## BUYING A CAR

The purchase of a new or used car will probably be one of your biggest expenditures outside of purchasing a home. How can you be sure you will get what you are paying for?

The ISBA suggests you consider a number of things before you make this investment.

## BEFORE YOU BUY

Begin by deciding what things you need your car to do and what cars are available. Consider what size car you need, what type of car you want, and how much you can afford to spend. Publications like Consumer Reports offer reviews and repair records for most domestic and foreign vehicles. Your insurance company may have safety information and records. A little work before you buy can prevent disappointment later.

If you are interested in a particular car, ask your salesperson for a written proposal. This should give you a figure with all charges and credits, such as trade-in, dealer preparation fees, taxes, and other charges. You can then compare this proposal with other dealerships' proposals.

Do not make your final decision on the spur of the moment. Reputable dealerships will not try to force you into an immediate sale because they are confident that their proposal is comparable to that of their competitors. Except for scarce vehicles and year-end models, new car dealers can probably obtain a similar car to sell to you in the near future should the car you are interested in be sold.

## BORROWING MONEY

If you are not going to purchase a car for cash, call your lending institution for their

finance rate before you go shopping for a car. You can then compare their rate with the financing made available through the dealership. You may consider leasing as an alternative to an outright loan. Lease payments are generally less than loan payments, but you need to remember that you will not own the car when the lease ends.

Review all documents carefully before you sign them. They should set out everything you have agreed to, including price, interest rates, length of payments and total cost of the vehicle including all charges.

Make sure that you understand all of the other terms of the financing agreement, especially what happens if you are late or miss a payment.

## CHECKING OVER A USED CAR

When you buy a used car, you should let an independent mechanic check the car. The mechanic can estimate mileage based on tire and brake wear, and the general condition of the car. In many cases he can advise you of potential problems and the cost of repairing those problems if they are not covered under any warranty.

Prior to buying a used car, you may wish to learn the names of the previous owners to check with them about problems they've had with the vehicle. You may determine this by obtaining a copy of the vehicle identification number for the vehicle and inquiring with the Secretary of State, Dept. of Motor Vehicles to obtain a history of ownership.

State and federal law require accurate odometer (mileage meter) readings. These laws require the seller to record on the title the odometer reading at the time of transfer, the date of the transfer and the seller's name and address. An odometer which shows fewer miles than that recorded on the transfer statement or a transfer statement that indicates that the true mileage is unknown, should raise a red flag to the buyer and the consumer should take extra care in examining this car.

## AFTER YOU BUY

A new vehicle is covered by a manufacturer's warranty. You should make sure the dealer explains to you the terms of the warranty, its length, and what is not covered. Most manufacturers have a customer service network that works with customers who are not satisfied with their new car. Many manufacturers also have an independent arbitration system in place to deal with customer problems. These channels for customer relief will be set out in the new car warranty.

A buyer of a new car may also seek relief under state or federal statutes. In Illinois, a buyer may be able to obtain a replacement vehicle or a refund of part or all of the purchase price if: a) the car has a defect which substantially impairs the value, the safety or the use of the car; b) the defect occurs within 12 months or 12,000 miles (whichever occurs first after delivery); and c) the seller is unable to correct the defect after a reasonable time. Reasonable time generally means after four (4) or more repair attempts for the same problem or if the car is out of service for thirty (30) days or more. The buyer must give the seller a reasonable opportunity to repair the vehicle prior to taking advantage of these statutes.

Purchasing a used car is another matter. Used cars may be sold "as is" or with a limited warranty. If you purchase a car "as is" you are obtaining no warranty and in most cases the dealer is not obligated to stand by any oral representations he may have made prior to the purchase. If you are buying a car "as is" and the dealer has made certain representations about the car or has promised to repair certain problems with the car, get these promises in writing. Make the dealer set out what he is willing to do on the bill of sale. If the vehicle has a limited warranty, make sure the dealer puts in writing, what the warranty is, what it covers, and how long it lasts. Obtaining representations or promises in writing will eliminate problems later on.