

You're 18 Now.



**It's Your
Responsibility!**

A Legal Guide for Young Adults in Oklahoma

A project of the Oklahoma Bar Association

The Law-related Education Program of the Oklahoma Bar Association was established in 1989. It's mission is to promote programs that improve the public's understanding of the law the legal system, and the lawyer's role within that system using educational models for communication.

This guide has been reviewed for dissemination to Oklahoma High School Students by the State Department of Education, Sandy Garrett, Superintendent of Public Instruction.

You're 18 Now — It's Your Responsibility!

I. Introduction

When you had your 18th birthday, you became an adult by law. This information to help you understand your rights and responsibilities as an adult.

This is just a guide; it does not contain legal advice. If you need more information, or if you have a specific legal question, you should talk with a lawyer.

Remember, you are now an adult. We encourage you to be responsible and careful.

Good Luck!

II. General Legal Principles

Do you get all of the rights of an adult when you reach the age of 18?

No. There are some rights you still do not have. For example, you cannot buy alcohol.

What are some of your new rights?

- You can vote in federal, state, and local elections.
- You can marry without your parents' permission.
- You can make a will.
- You can get medical treatment without your parents' consent.
- You can be an organ donor by indicating your wishes when you renew your driver's license.

What are some of your new responsibilities?

- Your parents are no longer legally responsible for you.
- You can be held to a contract.
- You can be sued.
- You are legally responsible for your own actions.
- You can be tried as an adult if you are accused of a crime.
- You can be called to serve on a jury.
- You must register with the Selective Service if you are male.

HIPAA:

"Health Insurance Portability & Accountability Act" - - Some of you may have already experienced your doctor providing you with the new privacy law. This law went into effect in 2003 and provides that information regarding your health is confidential and shall not be revealed to anyone without your consent.



How do you register to vote?

You can find voter registration forms many places (for example, the U.S. Post Office or the public library). The form must be submitted to the county election board in the county where you live. Election boards are in each county seat (Oklahoma has 77 counties). Where you live controls where you vote. The place you vote is called a “polling place.”

If you will be away from home on Election Day, you can vote through the mail. This is called “absentee voting.” To vote absentee, call your county Election Board. Specific rules must be followed to vote absentee. You can also vote by absentee ballot at the county election board on the Monday before a local election or on Thursday, Friday, or Monday before a statewide election.

How do you register with the Selective Service?

Selective Service is the program that calls up people for military service. You sign up at you’re your local U.S. Post Office. There is no military draft now; however, all males must still sign up with Selective Service when they turn 18.



When can you buy beer or alcohol?

In Oklahoma, you must be at least 21 years old to buy beer or alcohol. If you buy, or even attempt to buy, beer or alcohol when you are under 21, you can be arrested, fined, and jailed. If you use a fake I.D. to buy beer or alcohol, you can be convicted of a misdemeanor, fined and have your driver’s license taken away.



How is the court system organized?

Each governmental body has its own court. Cities have municipal courts, which deal with city laws such as traffic violations. The state has district courts, the Court of Civil Appeals, the Court of Criminal Appeals, and the Oklahoma Supreme Court. The state courts deal with state laws and disputes between Oklahoma citizens. Each county in Oklahoma has a district court where trials are conducted. District courts hear civil and criminal cases.

Criminal cases involve fines and/or jail time. Civil cases involve such things as breach of contract, divorce, small claims, or personal injury. Some cases are decided by a jury; some cases are decided by a judge.

If you do not like the district court decision in a civil case, you can ask a higher court to hear your case. This is called an “appeal.” Civil appeals from the district court or from the Workers’ Compensation Court go to the Oklahoma Supreme Court. The Supreme Court may rule on the appeal or assign it to the Oklahoma Court of Civil Appeals. If the case is assigned to the Court of Civil Appeals and you do not like its decision, you can then further appeal to the Supreme Court. The Supreme Court may review the case or may let the Court of Civil Appeals decision stand. An appeal of a criminal case from the district court goes directly to the Oklahoma Court of Criminal Appeals. If you do not like the decision of the Court of Criminal Appeals, sometimes you can ask a federal court to review the decision.

The U.S. government has federal district courts to hear cases dealing with federal law and disputes between citizens of different states. Oklahoma has three federal district courts: in Oklahoma City, Tulsa and Muskogee. Like the state district courts, the federal district courts are courts that conduct trials. An appeal from a federal district court in Oklahoma is to the 10th Circuit Court of Appeals, which is located in Denver, Colorado. An appeal from the 10th Circuit Court of Appeals is to the U.S. Supreme Court in Washington, D.C.

III. Employment

How do you find a job?

Here are some helpful ways to find a job:

Look in the classified ads of your local newspaper for jobs that are available.

Ask a place you would like to work to see if there are jobs available (you never know).

Contact the Oklahoma Employment Security Commission at (405) 557-5374.

Use a private employment agency to help you find a job.

You may have to pay for this service.



Must employers have a written contract with their employees?

No. Most employees do not have a written contract of employment; sometimes the contract is verbal.

When can an employee be fired?

Oklahoma is an "employment-at-will" state. This means that an employer can generally fire an employee at any time and for any reason - - so long as that reason is not illegal or against the public policy of the state. For example, firing a person because of their race or gender is illegal. There are certain circumstances where the law or an employment contract provides that the employee can be fired only for "good cause."

Can an employer discriminate against an employee?

It is illegal for employment agencies and employers to discriminate against you because of your race, sex, disability, age, religion, ancestry or national origin. If you feel you have been discriminated against in hiring, pay, promotions, transfers or any other working conditions, you should contact the Oklahoma Human Rights Commission at (405) 521-3441 or the U.S. Equal Employment Opportunity Commission at (405) 231-4911 for help. Retaliation from your employer for reporting discriminatory behavior is also illegal.

NOTE: If you believe that you have been discriminated against in any manner, you must contact one of the above agencies as soon as possible. Usually you have only a very short time within which to file a complaint.

What are unemployment benefits?

The state pays unemployment benefits for a limited period to help workers when they cannot work (either because they have been fired or have quit) through no fault of their own. Employers pay for these benefits by paying into a state fund.



What is workers' compensation?

The Workers' Compensation Court decides Cases involving an employee who has been injured on the job and wants his or her medical expenses to be paid by the employer. Workers' compensation pays a worker only for on-the-job or work-related injuries or illness. Workers' compensation is not health insurance. Not all employers are required to carry workers' compensation insurance on their employees.

Must the injured worker prove that the employer was at fault in order to collect workers' compensation benefits?

No. You can get workers' compensation benefits if you can show that you have been injured in a work-related accident. An employee does not have to prove it was the employer's fault.

Can an employer fire an injured worker for filing a workers' compensation claim?

No. It is against the law for an employee to be terminated in retaliation for pursuing a workers' compensation claim

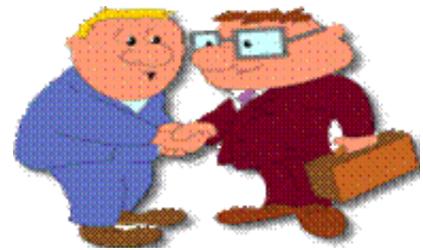
IV. Contract

What is a contract?

A contract is an agreement between two or more people, and can be verbal (oral) or in writing.

Can you enter into any type of contract once you reach age 18?

Generally yes. However, you cannot make a contract over something that is illegal. For example, a person under 21 cannot make a contract to buy alcoholic beverages.



Do contracts have to be in writing to be enforceable ?

Only when the law requires it. Contracts that generally **MUST** be in writing include:

- Contracts which cannot be completed in less than one year.
- Contracts which promise to pay the debt of someone else.
- Contracts involving real estate (land).
- Contracts for the sale of more than \$500 in goods.

Why should you prefer a contract in writing?

You will have a better understanding of the terms of the contract and what you are required to do. A written contract will help prove the exact terms and conditions of the contract if you have to go to court to enforce it.

When can you cancel a contract you entered?

You may be able to cancel a contract for a short period after you sign it. For example, you may be able to cancel a contract you were forced into making or if someone told you something that was not true to get you to enter the contract. You also may be able to cancel a contract if someone tricked you into it, if you were not legally competent to contract, or if both parties entered the contract based on a mistake of fact that was an important part of the agreement.

How can you protect your rights when asked to sign a contract?

If you sign a contract, you are saying that you have read it and that you understand what it says. If there is any part of the contract you do not understand, **DO NOT SIGN IT**. Talk to a parent, friend, or attorney who can explain it to you.



Here are other suggestions:

- Never sign a contract with blanks or open spaces. These should be filled in with the correct terms before you sign.
- The parties can change or remove terms by agreement. Be sure to do this on all copies of the contract.
- Both parties should initial any change to the contract on all copies.
- Make sure all verbal (or oral) promises are written into the contract before you sign it.

If someone comes to your home to sell you something and you sign a contract, you have the right to cancel the contract before midnight of the third business day after the contract was signed. If you fall prey to a high pressure salesperson in your home, you can get out of this contract if you properly mail a notice within that period.

Some sales people may try to hurry you into signing a sales contract. DO NOT LET THEM. It is your responsibility to read the contract thoroughly before signing it. Make sure all promises made by a salesperson are written into the sales contract.

NOTE: Once you turn 18, there may be many people or businesses which ask you to sign a contract (tanning salon, cell phone companies, health clubs, etc.) If you sign the contract, you will be bound to its terms and will have to pay the amount stated for the entire length of the contract! You cannot change your mind later (for example, because you move to another town) and get out of your contract.

What rights do you have if the other party breaches (or breaks) the contract?

If someone does not do what he or she was supposed to do according to the contract, the person has broken the contract. You can do several things if this happens. First, try to work the problem out. If that does not work, you can go to court and:

- Ask for your money back.
- Cancel the contract and refuse to do your part of the contract.
- Ask the court to make the other person do what he or she contracted to do.

What is a warranty?

A warranty is a promise made by a seller of a product. The warranty guarantees that the thing you bought will work. Warranties give you important rights, and you should know what the warranty says before buying the item.

Express warranties are written or oral statements made by the person selling the item as to its quality or performance. Implied warranties do not have to be stated. For example, an implied warranty on the sale of a hair dryer would be that it would blow hot air.

What does the seller's warranty cover?

If you buy an item and receive a written warranty, it should be in simple language and given to you before the sale. The warranty must tell you exactly what is and what is not included. It must say whether it is a "FULL" or "LIMITED" warranty. A full warranty generally covers both labor and materials. With a full warranty, the manufacturer will repair the item without charge. A limited warranty generally does not cover both parts and labor. With a limited warranty, there may be a charge for repairing the item.

V. Lease Agreements

What is a lease?

A lease is a contract between a landlord and a tenant to rent property. The landlord is the person who owns the property. The tenant is the one who lives in the property. A lease tells how much the tenant will pay the landlord to rent the property. It also tells how long the lease will last. It usually includes additional duties and responsibilities of both the tenant and the landlord.

Does the lease have to be in writing to be legal?

Not unless the lease is for more than one year, but it is in the best interests of both the landlord and the tenant if the lease is in writing.

What should you consider before signing a lease?

- Make sure you read and understand the entire lease before you sign it.
- Do not sign unless all blank spaces are filled in or crossed out.
- Get all promises IN WRITING so that after the contract is signed, there is no mistake about what was promised.
- Any changes or additions to the lease should be made on all copies of the lease and initialed by both the landlord and the tenant.
- Look at the property and make sure it is in good condition before you sign the lease.
- List any problems or damages to the property, such as carpet wear or carpet stains or cracks in the wall, on the lease.
- Obtain a list from the landlord of repairs to be completed (if any) before moving into the property.

Should you get renter's insurance?

It is a good idea. The landlord's insurance only covers the building. It does not cover your things inside the building. Ask for price quotes from different insurance agents. See which policy best suits your needs and budget.

What is a security deposit?

A security deposit is money given by the tenant to the landlord to make sure the tenant follows the lease. When you move out, it may be used by the landlord to pay rent you owe. It can also be used to repair any damage you caused other than normal wear and tear. If your landlord keeps any of the security deposit, you must receive written notice of how the money was used. The landlord must return any unused security deposit to you within 30 days after the lease ends. If this does not occur, you should seek the services of an attorney. To get your security deposit returned, you must move out of the property. You cannot just move out and expect to apply your deposit to the last month's rent. You must make a written demand for the return of the security deposit. You need to include in your demand your new forwarding address. If you do not make a written demand for your security deposit within 6 months after you leave, then the landlord may get to keep the deposit.



How do you terminate your lease?

If you have signed a lease for a set number of months, you are responsible for the rent for the whole period. However, if you move out before the end of your lease, you do not have to pay for the time on the lease period if the landlord is able to rent the property to someone else for that time.

If you do not have a lease, you rent from month-to-month. If you rent from month-to-month and wish to move, you must give at least 30 days' notice in writing to the landlord. The same rule applies to the landlord if he or she wishes to end the lease with you.

Many leases require that at the end of the lease, you give 30 days' notice before moving (even if your lease is up). If you do not give the notice, you will automatically become a month-to-month tenant.

Important: The 30-day notice must be given from rent-paying period to rent-paying period. This means that if your rent is due on the 1st of the month, then notice must be given before the first day of the month. The lease will end on the last day of the month. Example: If your rent is due on the 1st day of the month and you give notice on January 15, you still owe rent for the entire month of February. The lease would end on the last day of February.

Note: Always read your lease. You need to know exactly what is required of you and the landlord. You also need to know when you must move out or sign a new lease. At some time you may lease property with someone else. If you decide to move elsewhere during the term of the lease but your roommate stays, you are still responsible for the rent and any injury to the property. Be sure that the landlord releases you in writing from the lease.

What could happen if you don't pay your rent?

If you do not pay your rent when it is due, the landlord may give you notice to pay or move out. This notice can be given to you (or anyone else over the age of 12 who is living with you) to pay or move out within 5 days. If the landlord posts a notice on your door and mails you a certified copy, generally, you will have only 10 days to pay or move out. If you fail to pay rent, you may be taken to court. The court can order you to leave and pay your back rent. If you want to stay, you should read the written notice carefully and pay before the deadline. The landlord may report your failure to pay rent to a credit agency, which will damage your credit rating.

When can the landlord enter your premises?

A landlord may enter your premises without your permission any time there is an emergency. Otherwise, the landlord must give you at least one day's notice of his or her intent to enter and may enter only at reasonable times.

What can you do if the landlord refuses to make repairs to the premises?

If the landlord's failure to follow the lease affects your health or safety, you may give the landlord a written notice that he/she has broken (or "breached") the lease. The notice should state that if the repair is not made within 14 days, the lease will end in 30 days.

If the landlord is not able to make a repair costing less than \$100, you may write the landlord that you intend to fix the problem within 14 days at the landlord's expense. Then, if the landlord does not correct the problem within 14 days, you should give the landlord an itemized statement of the actual cost (or a fair value of the repair), and then you may subtract this amount from the next month's rent.

The landlord's failure to fix the problem may make the property unfit to live in or cause immediate threat to your health and safety. In this case, if the problem is not fixed immediately, you may move out and end the lease.

Remember that you must give written notice of any problems you have with the property. You should keep a copy for your records to protect your rights under the lease and the Oklahoma Residential Landlord and Tenant Act.

VI. Marriage, Divorce & Your Rights as a Parent

When can you marry without your parent's permission?

Anyone who is at least 18 years old can marry without the consent of his or her parent. Anyone under 18 must have the consent of his or her parents or guardians. The consent must be given in the presence of the person issuing the marriage license. In Oklahoma, any person under 16 cannot marry unless allowed by the court.



You no longer need a blood test to obtain a marriage license in Oklahoma. This change became effective on Nov. 1, 2004.

What are your rights as a parent?

All parents, whether they are minors or adults, have certain rights and duties toward their children. However, a father who is not married to the mother must take special steps to establish his legal interest in the child. In order to preserve his rights, an unmarried father must use his parental rights very early. Otherwise, a court may find the father has no rights to his child.

One thing an unmarried father can do is file with the “paternity registry” kept by the Oklahoma Department of Human Services at (800) 522-2922. This can be done even before the child is born and is the only way to make sure that the father receives notice of court proceedings regarding the child (such as proceedings for child support, termination of parental rights, or adoption).



Perhaps the most important step a father can take to show his interest in the child is to give financial support to the mother during her pregnancy. An unmarried father can also file an action for paternity or custody in the court to establish his rights.

Unmarried mothers should know that they can get support from the father whether he admits that he is the father or not. The Oklahoma Department of Human Services can help with establishing paternity. The court can order blood tests to establish paternity, whether the father is a minor or an adult. The mother also has the right to file an action to establish paternity in court. The judge can order the father to pay child support and also has the power to order custody and visitation.

The Department of Human Services may provide financial assistance to an eligible mother while she is pregnant and after the child is born. Sometimes the mother or father considers allowing the child to be adopted. There are many private adoption services that can explain adoption (as well as the Department of Human Services).

Decisions involving paternity and adoption require much thought for both the mother and the father. Talking with parents or other trusted adults may be helpful. Talking to a lawyer who knows about family law is the best way to help understand your legal rights. The earlier in the pregnancy you think about these things, the better.

When can you be held responsible for child support?

A parent must support a child until the child reaches the age of 18 (or 19 if the child is still attending high school). In a divorce, the court will order one parent to pay money to the other parent for the support of a child. The main caretaker of the child is called the custodial parent. The amount of support is governed by the Oklahoma Child Support Guideline Schedule. This schedule considers the amount of money needed each month to take care of the child, or children, and the monthly income of each of the parents.

You may be ordered to pay child support for your child even though you have never been married to the custodial parent. You can be punished for contempt of court and charged with a misdemeanor if you fail to pay child support. A second conviction may be a felony punishable by imprisonment in the state penitentiary. If a court orders you to

pay child support, you must do so even if you travel or move to another state. Judgments for past due child support are enforceable in other states.

What are the grounds for divorce?

There are 12 grounds for divorce in the state of Oklahoma:

- Incompatibility
- Abandonment for 1 year
- Adultery
- Impotency
- Extreme cruelty
- Fraudulent contract
- Habitual drunkenness
- Gross neglect of duty
- Insanity for 5 years
- Wife having been pregnant by another man at the time of marriage
- Imprisonment of spouse for a felony
- One party obtaining a divorce in another state which does not release the other party from the marriage



To file for divorce in Oklahoma, a person must have lived in this state for at least 6 months and the person must live at least 30 days in the county in which he or she wishes to file for divorce. If there are children from the marriage, or if the wife is currently pregnant with the husband's baby, the court will decide the custody, guardianship, medical care, support and education of the minor child(ren). A child conceived or born during a marriage is considered the child of the husband whether or not he is the natural father.

The court may order either spouse to pay alimony for support of the other. The payments may be monthly or in a lump sum. The court may later change these payments if there is a good reason.

Property will be divided in a just and reasonable manner. The court will give to each person his or her separate property brought into the marriage or obtained by his or her own right during the marriage. The court will divide as fairly as possible the property obtained together during the marriage. The court may divide the marital property by giving certain items to each spouse, or it may give an item of property to one spouse and give to the other spouse an amount of money the court decides is fair. It is important to remember that the property does not have to be divided equally, but only however the judge feels is fair.

What is an annulment?

An annulment is like a divorce, but it is not as easy to get. An annulment cancels the marriage as though it never took place. For example, the court will annul a marriage if you were already married, if you were not old enough to get married, or if you were mentally incompetent to get married. Note: this is not the same as an annulment which may be obtained through your church.

What can you do if you are the victim of domestic violence?

A person physically abused at home can get confidential help. A victim of domestic violence should seek advice from a lawyer, a battered woman's shelter or a local domestic violence intervention program. Protection is available even if you are not married to the person abusing you. The court may order the person abusing you to receive counseling or that person may be charged with a crime. The court may order the abuser to stay out of the house and not to have any contact with you or the children in the household. If the abuser is a spouse or parent, the court may require the abuser to provide living expenses or support payments to you. If you are an abuser or the victim of abuse, it is possible to get help and counseling without costs or at a reduced fee.

VII. Medical Treatment and Privacy

In Oklahoma, you are not able to obtain an abortion without parental consent until you are 18 years old, unless you are "emancipated." In Oklahoma, "emancipated" means either that you are married or that a court has ruled that you are to be treated as an adult legally.

If you are under 18, you may obtain birth control pills and/or other birth control devices, as well as pre-natal medical treatment, without parental consent.

Also, if you are under 18, you may consent to have your own medical treatment without the consent of your parents if you are: married, have a child, pregnant, afflicted with a communicable disease or seeking treatment for drug or substance abuse. The health professional has a choice as to whether to inform your spouse, parent, or legal guardian. However, if where you are in need of emergency services for conditions which endanger your health or life, the health professional is required to notify your spouse, parent or legal guardian. Prevention of pregnancy is not an "emergency service."

HIPAA:

"Health Insurance Portability & Accountability Act" - Some of you may have already experienced your doctor providing you with the new privacy law. This law went into effect in 2003 and provides that information regarding your health is confidential and shall not be revealed to anyone without your consent.

VIII. Consumer Credit

What is credit?

Credit is one way to buy goods and services now and pay for them later. Good credit helps you borrow money now on your promise to repay it in the future.

Who can get credit?

Federal law says that everyone has an equal right to credit. This does not mean someone must give you credit. It just means you cannot be denied credit because of your race, sex, color, religion, national origin, marital status, age (unless you are under 18), or because you receive public assistance.

What information does a company need to decide whether to give you credit?

- Where you work.
- How long you have worked there.
- How much you are paid.
- Where you live.
- What kind of record you have in paying past debts.
- How much you owe to other creditors.

What is a credit bureau?

A credit bureau is a private company that gets information about your credit history. It keeps track of whether you pay your bills on time and gives you a credit rating. These credit reports contain financial and personal information and inform the lender whether you are a good or poor credit risk.

What rights do you have if credit is denied to you based on information provided by a credit bureau?

You have the right to know the reasons for being turned down. If you are applying for credit for the first time and have no record at all, sometimes the lender may deny you credit. If you are denied credit based on information received from a credit bureau, the lender must inform you of the name and address of the credit bureau that supplied the report. You have the right to request a copy of your credit report.

If your credit file contains false, misleading, or out-of-date information, you can make the credit bureau check the problem and make the necessary corrections. If the credit bureau believes what it has stated is correct, you can file a brief statement telling your side of the story. This information must be put in your file. You also may ask for the names of companies who have requested or received a copy of your credit report.

How can you establish a good credit history?

- Get a job and do your best to keep it.
- Open a checking and savings account.
- Apply for credit at a department store.
- Make small purchases and repay the debt as soon as possible.

If you continue these practices, you will create a good credit rating. Then it will be easier for you to get credit cards and other types of credit in the future (car, house, etc.).

How do credit cards work?

Credit cards let you buy goods or services on credit. There are two basic kinds of credit cards. First, many national and local department stores give credit cards for purchases of their goods at their own stores. Second, many banks issue cards such as VISA or MASTERCARD that allow you to buy goods on credit from any store that takes their card. Some companies provide these cards free. However, some companies may charge an annual fee of \$15 to \$25.

The law requires that the lender tell you how much the card will cost you. The finance charges and other costs must be included in the annual percentage rate (APR) of interest, and the lender must give you this information. Different cards have different interest rates. There are two types of interest: simple and compound. With simple interest, you pay a set amount for a certain period of time. With compound interest, the interest is added back into the principal, and you pay interest on the new amount. (In other words, you pay interest on the interest.) Check to get the best rate possible.



What if you discover an error in your bill?

To avoid problems with your credit bill, it is a good idea to save all of your receipts and go over each monthly statement carefully. Federal laws give you certain protection when there is a problem with your bill if you meet these guidelines:

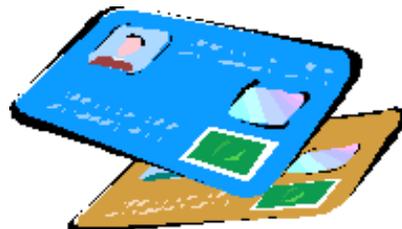
- DO NOT simply ignore a mistake and refuse to pay.
- You must give a written notice to the creditor within 60 days of getting the statement.
- You must set out in this notice the reason(s) you believe there is a billing error and the amount of the error.

In turn, the creditors are required to:

- Respond to your written complaint within 90 days.
- Not report the matter to a credit bureau until the problem is resolved.
- You do not have to pay the amount you think you do not owe until the company has looked into the matter.

What if your credit card is lost or stolen?

To protect yourself, you should keep a record of all credit card numbers and the telephone numbers of the companies with whom you have an account. Once you discover your card is missing, call the company immediately and then write the company about the problem. Once you have told the company, you are not responsible for further charges made on the card, except for up to \$50.00 per card on charges made before you tell the bank or store. (Several private companies will register all of Ho



your credit cards for a fee. If you lose your cards, you only have to contact that one agency and they will notify all of the other companies.)

What happens if you cannot keep up the payments on a credit card?

If you cannot make the payments, you should tell each creditor IMMEDIATELY and work out a payment plan you can meet. Do not stop making payments. This can badly damage your credit rating. Companies might be willing to give you a longer time to pay off the debt by lowering your monthly payments.

Note: For more information on consumer protection, contact the Oklahoma Attorney General's Office Consumer Hotline at (405) 521-2029.

IX. Buying a New Car

What type of car do you want? What type of car do you need? What can you afford?

One of the most important things you may do when you become an adult is to buy a car. Try to read all you can about buying a car, whether online or at a library. Be sure to research your choices by referring to such sources as Consumer Reports. Ask someone you trust who has experience in buying a vehicle for advice.

Hopefully, your rights will be protected, and you can get the best car for the best price by comparing prices between two or more dealers who sell the same type of cars. Remember, the sticker price you see on the window of the car is only the manufacturer's **suggested** retail price. **You don't have to pay that much.** Car dealers expect you to bargain with them! Magazines such as Consumer Reports can tell you approximately what dealers pay for each make and model vehicle. Banks and credit unions also may be able to tell you what a dealer paid for a car. This information shows you how much room you have to bargain.

Important: Don't be pressured into buying a car. Take your time.

You do not have to buy the car the first day that you look at it. If you change your mind, you do not have 3 days to bring the car back and get out of the agreement. Don't drive the car off the dealer's lot before you have been approved for credit and have insurance on the car.

What warranties will you receive if you buy a new car?

Many new cars have a warranty covering most parts against defects for 36,000 miles or 36 months, whichever comes first. This is not true for every type of vehicle, so check at several different places and compare what they will give you on the car.

You can purchase an extended warranty. Check with your insurance company about purchasing an extended warranty from the insurance company. It may be less expensive than the extended warranty offered by the dealership. Make sure you understand what the extended warranty covers.

What if you end up with a “lemon”?

Oklahoma’s Lemon Law provides that a manufacturer should try to repair a new car within the warranty period or within one year of the purchase. If the manufacturer’s efforts fail (after four attempts), you may be entitled to have the car replaced or get your money back. Also, if you cannot use the car for a total of 45 days during that period because of the problem, you may be able to get your money back or have the car replaced. The State Motor Vehicle Commission at (405) 521-2375 can answer questions about this law.

What protection do you have when buying a used car?

Used cars may also come with warranties. They usually are for 30 to 60 days from the date you bought the car. The seller must tell you if the number of miles on the odometer is correct. The seller also must inform you in writing of the year, make and identification number of the car.



NOTE: If you buy a used car from someone who is not a regular dealer, there may not be an implied warranty that it is working properly, etc.



Where can you get the money to buy a car?

You probably will have to borrow money from your bank, a credit union, the car dealer, or a financial institution to buy your car. You must pay interest on the money you borrow. The interest will add to how much money the car costs. Generally, credit unions and banks offer better interest rates than the car dealer or a finance company. Also, you can choose how long you want to take to pay off the loan. The longer the time you take, the lower your monthly payments, but the more money you will pay in interest.

Whenever you sign a financing agreement, a contract saying that you agree to pay the money, you have the right to know the total cost of the loan including interest. Remember, if you do not make your payments, the lender can take the car back, and you probably will lose all the money you paid.

Can a repair shop charge more than the estimate?

Yes, because the amount quoted is just a guess as to how much the repair will actually cost you.

Can the repair shop charge for diagnosing a problem before doing an estimate?

Yes. However, if you tell the repair shop not to fix anything without telling you the cost first, then they must call you before making repairs.





Can you get your car back even if you disagree with the repair shop on the amount of the bill?

Yes, but you must first pay the bill. Once you pay the bill, you may then take the repair shop to court and try to get your money back. In court, you should have a witness experienced in car repairs who can testify why the amount is not due.

X. Criminal Law

What is the difference between a misdemeanor and a felony?

Felony: A felony is a crime punishable by death or imprisonment in the State Penitentiary usually for more than one year.

Misdemeanor: All non-felony crimes are misdemeanors. Unless the law says otherwise, a misdemeanor is punishable by a fine not exceeding \$500, by a county jail sentence of not more than one year, or both.

A felony conviction can have other consequences besides imprisonment and/or fines. Potential employers routinely check criminal records. A felony conviction might deny one entry into certain professions. Restrictions on the right to own or possess firearms are also a consequence.

What happens when you are charged with a crime?

In Oklahoma, anyone over 18 charged with a crime may be tried as an adult. If you are convicted of either a misdemeanor or a felony, the court can impose a fine and jail time. Even if you are under 18, there are certain crimes which are punishable as an adult in Oklahoma.

What should you do if you are stopped by the police?

Stop your car immediately. If you resist or try to run away, you can be charged with escaping or interfering with a police officer, both of which are misdemeanors. You do not have to let a police officer search your car or your belongings. However, a police officer may make an immediate search of the area around you if he suspects a drug or alcohol violation or is concerned for his personal safety. Remember, be respectful. If you have any questions or comments, or complaints, make them later to the police officer's supervisor or to an attorney.



What happens if you are arrested?

If you are arrested for anything other than a minor traffic offense, you will be searched, handcuffed, and taken to the police station. While you are in the jail, the police are required to tell you your rights before they question you.

- You do not have to answer any questions or make any statements other than to give basic information such as your name and address.
- You have the right to have an attorney present and to make as many phone calls as is reasonably necessary for you to reach an attorney. If you decide to answer a police officer's questions, you have the right to stop answering questions at any time.
- You have the right to a court-appointed attorney to represent you in court if you cannot afford one.
- Any statement you make can be used against you in court.

What should you do while you are in custody?

Remain calm and be polite. You will be treated better than if you are rude and hostile. Do not discuss the facts of your case with other people in jail. Even if you have not committed a crime, you should speak with an attorney before answering any questions or making any statements.

What happens when you are taken before a judge?

Your first appearance before a judge is called an "arraignment." At this time, the judge will tell you the charges against you and the penalties for those charges. The judge will set bail or a bond amount for you. This is how much money you must give to the court to get out of jail until the trial. The money is to make sure you will return for your next court appearance. You also may be released on your personal identity (or that of your lawyer's if you have a lawyer). This means you will not have to put up any money or a bond. Before a judge will release you on this type of bond, the judge will look at the charges, your work record, and any criminal record.



What are the penalties for possessing or distributing drugs?

Possession of a Schedule I or II drugs, except for a very small amount of marijuana, is a felony. You can be sent to jail from two or 10 years and fined \$100,000. The court could sentence you from four to 20 years for a second offense. Examples of classifications of these drugs include:

Schedule I

Mescaline
Heroin
LSD

Schedule II

Methamphetamines
Amphetamines
Cocaine

Possession of Schedule III, IV or V drugs, or a very small amount of marijuana, is a misdemeanor punishable by a jail term of up to one year. A second offense is

punishable by a jail term of not less than two years nor more than ten. Possession near a school or park carries double the sentence. (However, a second offense of possessing a small amount of marijuana is a felony and you can be sent to jail from two years to life and fined \$100,000.)

Schedule III

Tylenol with Codeine
Vicodin
Neostene

Schedule IV

Valium
Diet drugs such as: Pondimin, Falwin, Fastin, Lonamin

Schedule V

Pseudoephedrine
Lomotil
Lofene
Broncholate CS

Possession with intent to distribute(or sell) most controlled substances is a felony. You can be fined up to \$20,000 and jailed for not less than two years nor more than life. A second offense is subject to double the fine and jail term. Furthermore, you cannot get a suspended or deferred sentence or probation for a second offense.

Distribution of a narcotic or LSD is a felony punishable by a fine of not more than \$100,000, a jail term of not less than five years, or both. A second offense doubles the fine and jail term. You cannot get a suspended or deferred sentence or probation on a second offense.

NOTE: In Oklahoma, it is not a person's intent that determines a charge of "possession with intent." Rather, it is the amount of the substance in the person's possession which determines the charge, regardless of the true intent.

Drug violations in or around schools, colleges, vo-techs, public or state parks and recreation centers increase the punishment, and a violator must serve 50 percent of the sentence on a first offense and 90 percent of the sentence on a second offense before becoming eligible for early release (or credit toward the sentence).

XI. Driving

Is driving a right or a privilege?

Driving an automobile in Oklahoma is a privilege.

Are you required to have automobile insurance?

Yes! Everyone who operates a motor vehicle in the State of Oklahoma is required to have current liability insurance. While driving, the operator must carry an insurance form

that says the insurance is current. In addition, a vehicle cannot be tagged or registered without proof of insurance. Failure to produce this form if asked is punishable by a fine of not more than \$250, imprisonment of not more than 30 days, or both. If you go to court within 48 hours and prove you had a current insurance form, the ticket will be dismissed.

What happens if you get a parking ticket and cannot afford to pay it?

It is important to **SHOW UP AT COURT** for the court appearance indicated on the ticket, even if you cannot afford to pay. When you get to court, explain to the judge your circumstances and ask for additional time to come up with the money. The court will usually give you a continuance, which means that you will get another court date and additional time to save some money.

Even if you do not have the money the second time, you must appear and explain your financial circumstances to the judge in order to avoid stiff penalties. If you do not appear at the set court date, the cost of your fine will increase, and there may be a warrant issued for your arrest, which will make the penalty even greater.

What happens if you are stopped for driving under the influence (DUI)?

In Oklahoma, if you are driving and are stopped by the police, you are expected to take a breath test to find out how much alcohol is in your system. You do not have a choice between a breath test and a blood test.

If you choose *not* to take the breath test, your drivers' license may be taken away for at least 180 days. Additionally, your refusal to take the breath test may be used against you at your trial.

If you *do* take the breath test, you have the right to know the results of the test. The results of the test may be used against you in court.

If you are under 21 years of age, it is unlawful for you to drive or operate a motor vehicle with any measurable quantity of alcohol in your blood. For a first offense, your license may be revoked for at least 180 days or more if there have been prior revocations.



If you are over 21 years of age, it is unlawful for you to drive or operate a motor vehicle with a blood alcohol content of eight-hundredths (0.08) or more. Drinking alcohol affects every person differently. For a first offense, your license may be revoked for at least 180 days. **You only have 15 days to notify the Department of Public Safety if you want an administrative hearing to try and have your license reinstated.**

What are the penalties for DUI?

For the first time, a DUI is a misdemeanor. You may be imprisoned in jail for not less than 10 days nor more than one year, fined not more than \$1,000, or both. If you are

found guilty of another DUI within 10 years of the first conviction, it is a felony and you may be put in prison for not less than one year and not more than five years, and fined not more than \$2,500. If you are not sent to prison, but get a suspended sentence, you may have to do community service or undergo rehabilitation.

What happens if you are stopped with an open container in your car?

It is illegal to have an open container of beer or alcohol in your car. A container is considered “open” when the original seal or cap has been broken. This applies even if the container is in the back seat and out of your reach. If you have an open container in the car, it must be placed in the trunk or any outside compartment that you cannot get to from inside the vehicle while it is moving. If you are found guilty of having an open container in your car, it is a misdemeanor and you can be fined not more than \$50.

XI. Traffic Accidents



NOTE: In 2002, according to the Department of Public Safety, 14.2 percent of the drivers who were killed in car crashes in Oklahoma were age 16 - 20.

What should you do if you are involved in a traffic accident?

STOP! If you are involved in an accident, you must stop as soon as possible without risking further problems. It is a crime to leave the scene of an accident. If **SOMEONE IS INJURED**, call 9-1-1 and leave the cars unmoved unless they may cause harm to other drivers.

YOU MUST EXCHANGE names, addresses, registration numbers of vehicles, security verification forms, and driver’s license numbers with the other drivers involved. You must report all accidents involving the injury or death of a person or causing damage to a vehicle or property over \$300, to the nearest law enforcement officer.

If no one is injured, the law provides that drivers should make “every reasonable effort” to remove the vehicles after an accident so as to not obstruct the regular flow of traffic.

Get the names and addresses of all witnesses to the accident. Do not comment on whom you think is to blame for the accident. Do not admit that you were at fault, even if you think you were responsible for the accident.

IF YOU HIT AN UNOCCUPIED VEHICLE OR ROADSIDE PROPERTY, you must leave a note with your name and address and information from your insurance verification

form. This way the owner of the property will know how to get in touch with you and with your insurance company.

Note: Notify your insurance agent of the accident as soon as possible.

XIII. Jury Duty

Jurors are used in the trial of most cases, criminal and civil, to decide the facts of the case. A jury can be either twelve or six individuals, and usually there are alternate jurors in case a juror cannot finish the case.

What are the qualifications for serving on a jury?

All citizens of the United States who are residents of Oklahoma, and who have the qualifications to vote, even though not registered to vote, can serve as a juror unless there is a law that allows them not to serve.

Persons who cannot serve on a jury include the following:

- Anyone who has a mental or physical condition that makes the person incapable of performing jury services.
- Sheriffs or deputy sheriffs.
- Jailers or law enforcement officers, state or federal, having custody of prisoners.
- Licensed practicing attorneys.
- Persons convicted of any felony or who have served a term in any penitentiary, state or federal, for commission of a felony, unless the person's civil rights have been restored.
- Legislators during sessions of the legislature or when they are involved in state business.

If you are called, do you have to serve?

It is the policy of Oklahoma that all citizens qualified for jury service have an obligation to serve. Jury service is not only a legal obligation; it is a civic duty. Unless you are disqualified or can claim a legal reason for not serving, you must serve.

How long does jury service usually last?

It depends on the court where you are serving. It also depends on how long the case lasts, but normally, jury service will last one week or less.

Do jurors get paid?

Yes. The amount depends on the court you are serving in, but it is only a small daily fee. In addition, jurors receive mileage reimbursement.

Will you lose your job or your pay when you serve on a jury?

Employers are prevented by law from firing an employee because he or she has been summoned for jury duty. However, the law provides that you do not need to be paid while you are serving. You have the option of using your accrued sick or vacation time for jury service, but your employer cannot legally force you to do so.

How are people selected for jury duty?

Individuals are randomly selected by a computer for jury duty. The names are chosen from those persons who have an Oklahoma driver's license.

XIV. Making A Will And A Living Will

What does a Will do?

By a Will, you decide in writing who should receive your assets instead of leaving the decision to state law. For example, if you have children, you can leave property in trust for them. You can leave property to your favorite charity, or you can divide your property among many different people. Most important, if both parents die and leave minor children, the court will consider a request in the Will about whom the parents want to be appointed as the guardian of the children.

Do you need a Will?

If you are an individual with assets, you need a Will so that you can decide who will receive your assets upon your death, subject to certain limitations. If you are married, your spouse is entitled to receive at least one-half of your assets even if you do not leave your spouse half of your assets in a Will. A Will should be revised as your life circumstances change -- when you get married, have children, or gain more assets.

What happens if you don't have a Will?

State law provides who will get your assets and how they are divided. For example, if you were unmarried and have no children, your assets will go to your parents. Another example would be if you were married and had one child, your spouse would receive one-half of the assets and your child would receive one-half of your assets. Most states have statutes that set out how your assets will be divided if you die without a Will (intestate).

What happens upon death?

When a person dies, there is a court procedure, known as Probate, to process an estate and distribute assets. The Probate is about the same whether there is a Will or not. The difference is in the way the assets are divided. Also, if there is a Will, you decide who will look after your wishes as set out in the Will. That person is called the personal representative. The personal representative has the responsibility and legal obligation to deal with estate matters and get the estate in order for distribution.

Advance Directive for Health Care with a Living Will

When you become 18, you may also make an Advance Directive for Health Care. An Advance Directive has several parts, one of which is a Living Will. This tells physicians whether you wish to be put on life-sustaining treatment if you become terminally ill or persistently unconscious and cannot make your own decisions. Another part of the Advance Directive allows you to appoint a Health Care Proxy, who is a person to make medical decisions for you if you cannot make them yourself, but you are not dying. You can get the forms for an Advance Directive from the Oklahoma Bar Association, the Oklahoma Medical Association, and most hospitals, for no charge.

XV. Conclusion



You have many new rights and responsibilities when you turn 18 and are considered an adult. We hope the information contained in this guide explains some of these rights and responsibilities and answers some questions you have about them. This information is to make you think. We also encourage you to use good common sense.

While we try to keep this information current, the law is always changing. You should talk to an attorney or a state or local government agency if you need specific information in any area of the law. A helpful website for contacting state agencies is: www.ok.gov.