

LIFE & LAWS 101

Citizenship Rights and Responsibilities After 18



North Carolina Bar Association
Young Lawyers Division
Law-Related Education Committee

TABLE OF CONTENTS

FOREWORD	1
VOTING.....	2
JURY DUTY	4
EDUCATION	7
EMPLOYMENT.....	10
BANKING.....	14
CREDIT.....	16
STOLEN IDENTITY	21
CONSUMER PROTECTION	24
RENTING PROPERTY: LANDLORD –TENANT ISSUES.....	28
PURCHASING A NEW CAR.....	29
CRIMINAL LAW.....	30
ALCOHOL, DRUGS, AND TOBACCO.....	34
WEAPONS	37
RIGHTS AS A FOSTER CHILD	39

FOREWORD

Now that you are 18 (or fast approaching that magical age), you have the world at your fingertips! Along with the many opportunities you have, there are numerous citizenship rights and responsibilities that accompany adulthood. This guidebook provides you with a brief summary of some of these new rights and responsibilities under state and federal law and some practical tips and resources that may be helpful. Please be aware, however, that by no means is the information provided in this guidebook exhaustive. There are numerous other agencies and organizations within the state or even your particular city or county which can effectively serve your needs by providing valuable services and information.

This guidebook is intended to be for informational purposes only and does not offer or purport to offer legal advice, as every situation may vary. Also, this guidebook is geared to serve the needs of North Carolina citizens, and the laws, procedures, and agencies will vary from state to state. Thus, in the event you need further information regarding your rights and responsibilities as a citizen of North Carolina or the United States of America, you should contact the appropriate federal, state, or local agency or seek legal counsel to request information and guidance specific to your particular needs.

We hope that you enjoy the new freedoms and rights, as well as the responsibilities which accompany adulthood. Understanding and fulfilling your citizenship rights and responsibilities will be important to your individual happiness and success as an adult. Now, go take on the world!

VOTING

What are the eligibility requirements for voting?

To vote in North Carolina, you must meet the following eligibility requirements:

- Be at least 18 years old at election time;
- Be a United States citizen;
- Be registered to vote in the county where you reside;
- Be a resident of North Carolina and the county where you are registered to vote for 30 days prior to the election; and
- If ever convicted of a felony, your rights of citizenship must have been restored.

How do I register to vote?

To register to vote, you must complete a voter registration form, declaring that you meet the above eligibility requirements. North Carolina has mail-in voter registration forms, which are available directly from your county board of elections office and from various other public locations (i.e., public libraries and high schools) as well as the Web site for the North Carolina State Board of Elections (www.sboe.state.nc.us). You can also register to vote at any driver's license examination office if you have official DMV business at that office (i.e., you are applying for or renewing your driver's license or I.D. card). Remember, the deadline for registering to vote in this state is 25 days before Election Day.

How do I know where and how to vote?

After completing your registration form, you will be mailed a registration card, which indicates where you will go to vote on Election Day. Voting or "polling" locations are usually public places such as schools, community centers, city halls, courthouses, or similar locations. Once you appear at your designated polling location on Election Day, there will be individuals

working the polls who will explain how you should mark your candidate selections. Depending on the polling location, you may be asked to fill out a paper ballot, use a computerized ballot, or some other method of marking your selections. Regardless of the procedure used, you are guaranteed privacy and your selections will remain confidential.

Voting questions?

If you have voting questions, you should contact your local state board of elections. Although the local elections offices may have slightly different procedures and requirements, election officials can instruct you on:

- How to by absentee ballot if you are unable to appear at the polls on Election Day; and
- How to change your voter registration if your address has changed.

JURY DUTY

Who can be a juror?

As an adult, you may now have the opportunity and legal responsibility of serving as a juror in a court of law. Most often, jurors serve in North Carolina State Court, in the county where the juror lives. Occasionally, a citizen may be asked to serve on a jury in federal court. A juror may be called to serve in a criminal court or a civil court.

To be eligible as a juror, you must:

1. Be at least 18 years of age;
2. Be a United States citizen;
3. Be a resident of the county or district from which you are called to serve;
4. Be physically and mentally competent;
5. Be able to speak and understand English;
6. Have not served as a juror in the last two years; and
7. Have never been convicted of a felony or pleaded guilty or no contest to an indictment charging a felony (unless rights of citizenship have been restored).

How are jurors chosen and notified?

Jurors are randomly selected, usually from lists of registered voters or licensed drivers in your county or district. If you are randomly selected for jury duty, the court will send you a written notice in the mail stating that you have been “summoned” or “ordered” to appear in court for jury duty.

If I receive a jury summons, do I have to appear?

Yes, you must appear. In the jury summons, the court will inform you of the date, time, and location at which you must appear. Since you have received an order from the court, the

judge can hold you in contempt and/or impose a \$50 fine if you fail to appear as required by the jury notice. Thus, after you receive the jury notice, you should immediately notify your school and/or employer of your obligation and make all necessary arrangements to make sure you appear at the required location on time.

What if I have a conflict on that date?

Generally, if you are called to serve as a juror, you must appear pursuant to the notice. You can then discuss your situation with the trial court administrator, the jury clerk, or the presiding judge. Only rarely will a personal hardship lead to an excuse from jury duty. This typically occurs only in exceptional cases such as medical reasons, attending school out of state, a death in the family, or some other compelling reason.

If you do not meet the basic qualifications for service as a juror as noted above or if you have a truly urgent and compelling reason to request a postponement or excuse, you should contact the court in writing as early as possible. Explain your situation and request that your service obligation be postponed or excused, depending on the circumstances. The court will then notify you of your new service date. If you have not received a response from the court prior to your jury date and it is actually impossible for you to personally appear at the required date and time, you should try to call the trial court administrator or jury clerk to inquire about the status of your request. Contact information for court personnel may be identified on your summons or at www.nccourts.org

If I receive a summons, does that automatically mean I will serve on a jury? If so, for how long?

The jury summons means you will be part of a “jury pool,” but you may not necessarily be one of the jurors chosen to hear and decide a particular case. Generally, once you are in the

courtroom, names are randomly drawn to take a seat in the jury box. Judges and attorneys will then have an opportunity to ask you questions about your personal background, experiences, and beliefs. An attorney or the judge may decide to excuse you from jury duty. You may be excused if you know someone involved with the case or if the attorneys or judge believe that you might not objectively consider the evidence.

Once you are chosen to be on a jury, you will be required to report to court every day until the case is decided and the judge releases you. A trial may last a few hours or a few months, depending on the complexity of the case.

Can I lose my job if I miss work for jury duty?

No. Employers are legally required to give employees time off if they are called to serve on a jury. Although some employers will pay their employees during their time away from work for jury duty, the employer is not legally required to do so. While not much, the court will pay you a small stipend for each day of jury duty. In state court, for the first five days of service, you will receive approximately \$12 per day. If you serve more than five days, you will receive \$30 per day for each day after the fifth day.

Please see the North Carolina Court System Jury Duty Page for more information:

<http://www.nccourts.org/Support/FAQs/FAQs.asp?Type=1&language=1>

EDUCATION

Why should I look into furthering my education?

No matter what type of career you have in mind, pursuing advanced studies after high school can help you achieve your goals. Many different opportunities are available, including:

- Vocational training to learn the practical, hands-on skills to perform various jobs, such as automobile repair or computer-related work.
- Community college education to obtain an associate's degree in approximately two years.
- College education to obtain a bachelor's degree in approximately four years, or two years after obtaining an associate's degree.
- Graduate, professional, or doctoral education to obtain an advanced degree after obtaining a bachelor's degree.
- Training through the United States Armed Forces after enlisting in a particular branch of the military and committing to serve for a certain period of time. In addition, some programs available through the military offer opportunities to help pay for college.

To decide what type of education you want to pursue after high school, start by spending some time thinking about what you want to do in life and what type of job you hope to have in the future. Then, try to learn about the careers that interest you the most. Visit the College Foundation of North Carolina Web site (www.cfnc.org) and check out the Career Center. Also, you may want to visit the North Carolina Community College System Web site (www.ncccs.cc.nc.us) to get information about the many community colleges located throughout North Carolina. Once you have some idea about what you may want to do, then you should develop a plan that will allow you to achieve your goals. In some cases, you may be able to earn

college credit while you are in high school. If you are interested in trying to do that, speak with a guidance counselor or college advisor at your school.

Most importantly, realize that with an education, you can better your life and the lives of those around you. The amount and type of education you pursue will most likely affect the amount of money you make, your quality of life, and your overall happiness.

How do I apply to college, and how will I pay for it?

Today, the best way to apply to college is online. If there is a particular school that interests you, find the website for that school and carefully read the information about the application process. In addition, you can also use the College Foundation Web site listed above to apply to every college in North Carolina. The College Foundation website will store your information and allow you to save time when applying to more than one college. If you do not have access to a computer, call the College Foundation at 1-888-234-6400.

When you are considering applying to college, be sure to pay close attention to the deadlines for submitting your application and other materials. These dates are very important, as many colleges will not accept your application if you send it past the deadline. In addition, you may be able to apply for free or at a reduced cost in certain circumstances.

While college can be expensive, there are many opportunities for scholarships, student loans, and financial aid. Every college's website contains information about financial aid and scholarships, so pay careful attention to the paperwork that you need to complete. In addition, every college has a financial aid office. If you are interested in attending a particular college, you should contact its financial aid office by phone or email. Let them know that you plan to apply and ask for any further information that they might have about any and all potential

sources of financial aid. There are also certain scholarships/grants available only to minorities and others with diverse backgrounds.

When filling out your financial aid paperwork, be sure that you complete a “FAFSA,” or Free Application for Federal Student Aid (www.fafsa.ed.gov). Federal student loans are available in many cases to help students pay for college, so be certain not to miss this opportunity. Again, the process for completing your FAFSA has strict time requirements, so be sure to look into this option as soon as possible.

It is important to remember that student loans have to be paid back, but often students do not have to start making payments until after they graduate. Taking out student loans is a serious process, but it is the only way that many students can further their education. If you are considering taking out student loans to enhance your education and achieve your goals, you should take the process seriously and use it as motivation to work hard and succeed. Consider how you will repay the student loans at the required time and seek advice from financial aid counselors, financial advisors, and others who can help you make an informed decision.

EMPLOYMENT

What is employment?

Employment is much more than getting a J-O-B and a paycheck. It is actually a relationship that may significantly affect you now as well as in the future. Generally, the employment relationship exists (and you have a job) because both the employer and the employee have each agreed to provide something of value to the other, i.e., wages in exchange for work. In practical terms, this means that just as you are counting on your employer for your survival, your employer is counting on you for its business to survive.

Does my employer have to give me a meal or rest break during my shift?

If you are 16 years of age or older, your employer is not legally required under North Carolina law to provide you with any meal or rest breaks during your shift, although your employer may voluntarily choose to do so. For 14-15 year olds, employers are required to provide a 30 minute break after the employee has worked five hours.

Will I have to sign a written contract?

Probably not. Most employees have not signed a written contract, which means they are not bound to work for their employer for any specific period of time. This is called “at-will” employment. Basically, this means that, absent a few exceptions, the employer or the employee can terminate the employment relationship at any time for any reason, as long as it is not an illegal reason (as discussed below). If you sign a contract agreeing to work for a specific period of time, that contract is generally binding for both the employer and the employee. Since, under the law, you generally will be presumed to have read and understood what you have signed, during the application and hiring process and throughout your employment, you should carefully

read anything you are asked to sign. If you do not understand an employment document, ask that the employer explain it to you.

If I am an “at-will” employee, do I have any job protection?

Yes. Federal law prohibits an employer from discriminating against you on the basis of race, color, age (40 or over), religion, sex, disability, or national origin. An employer may not: (1) refuse to hire you; (2) terminate you; or (3) take any action that adversely affects the terms, conditions, or privileges of your employment on the basis of any of the above-mentioned categories. For example, if an employer pays Asian-American employees \$1 less per hour than every Caucasian employee because of their race, then the employer has discriminated against its Asian-American employees. If the Asian-American employees are able to prove that the employer did in fact discriminate against them based on their race, the employer may be required to compensate these employees for its illegal acts.

If you feel that you are the victim of illegal discrimination in the workplace, you should first report your concerns to your supervisor and the human resources department and follow your employer’s reporting procedures concerning discrimination. Chances are your employer might not even be aware you are having any problems. If that is the case, the employer will most likely be glad that you have brought the discrimination to its attention and will see that any issues are immediately addressed. If you continue to have problems after reporting the matter to your employer, then you should contact your local Equal Employment Opportunity Commission (“EEOC”) office for further assistance and guidance. In North Carolina, you have 180 days from the date the discrimination occurred to file a complaint or charge with the EEOC. The “charge” informs the EEOC and your employer of your problem and allows the EEOC to investigate the

matter. Once the EEOC has completed its investigation, it will either sue on your behalf or give you the option to bring your own civil lawsuit against your employer.

Under North Carolina law, employers are also prohibited from discharging you because you have been injured on the job and filed or threatened to file a worker's compensation claim to recover for your injuries. If you believe you have been terminated in retaliation for bringing a worker's compensation claim, you can file a complaint with the North Carolina Department of Labor and/or bring a civil action against your former employer, if necessary. In North Carolina, employers are also prohibited from terminating your employment in violation of certain public policies, i.e. for reporting harassment or discrimination, missing work for jury duty, or other recognized public policies.

If you believe you have been illegally discriminated against and the employer does not remedy the situation after you have reported it, you can get assistance from various public agencies (i.e., the EEOC, U.S. Department of Labor, and the N.C. Department of Labor) and/or private legal counsel.

May I keep every penny I make?

No. Some of the money you earn will go to pay federal and state income taxes, and some of the money will go toward social security, a federally-funded retirement program. These will be reflected as deductions on your paycheck. Money may also be deducted from your paycheck to pay for certain employee benefits, such as health insurance, life insurance, or disability insurance, which can be quite expensive if you have to pay the entire cost yourself without any contribution from the employer. Additionally, you may also choose to have a certain portion of your earnings sent directly to a retirement or investment plan.

Below are some helpful websites:

- Employment Security Commission of N.C. (unemployment matters) → www.ncesc.com
- Equal Employment Opportunity Commission (“EEOC”) (illegal discrimination or harassment in the workplace) → www.eeoc.gov
- North Carolina Department of Labor (state wage payment claims, workplace hazards, accidents, illness or fatalities, retaliatory discharge related to worker’s compensation claims) → www.nclabor.com
- U.S. Department of Labor (claims under the Family Medical Leave Act, overtime pay, minimum wage, and various other federal workplace issues) → www.dol.gov

BANKING

When you get ready to open your own personal checking and/or savings account, you have a variety of choices and should try to decide which type of banking institution and account is best for your needs. Each bank or credit union has its own types of accounts with their own rules and regulations. Thus, you need to find out what type of accounts are available in your area and choose one that will work best for you. Below is a list of larger banking institutions and their websites:

- BB&T → www.bbandt.com
- Bank of America → www.bankofamerica.com
- First Citizens → www.firstcitizens.com
- RBC → www.rbc.com
- Suntrust → www.suntrust.com
- Wachovia → www.wachovia.com

You can also contact your local banking institutions directly for information on specific services they offer.

When I'm ready to open an account, what questions do I need to ask?

- Is there a service fee on the account?
- If so, how is it calculated, i.e. per check, set fee per month, etc.?
- Is there a limit to the number of checks I can write each month?
- Are there fees for using ATM machines?
- Will I earn interest on my checking or savings account?
- Are cancelled checks returned each month with a statement?
- How much do my checks cost?

- What happens if I overdraw or spend more than is in my account?

Having your own checking account provides you with a certain degree of financial freedom. That freedom, however, comes with added responsibility. You are responsible for keeping accurate records regarding each account, and if you overdraw your account, you may be charged fees from both your financial institution and the recipient of any “bounced” checks. Additionally, criminal charges may be brought against you for writing bad checks, depending on the circumstances.

CREDIT

What is credit?

Purchasing “on credit” means receiving goods or services *now* by promising to pay for them *later*. Sounds good, right? Buy now, pay later. As tempting as this may sound, credit purchases are usually not free and may actually be very expensive once you pay all of the interest charges.

How do interest charges work?

Almost all credit cards and accounts charge interest or a finance charge in exchange for loaning you money for a purchase. With credit cards, interest typically accrues (or starts being added to what you owe) when the purchase is not fully paid for within the next billing cycle, which is usually a period of 25-30 days, but may be shorter. It is important to know what interest rate will apply to your purchases, as rates can significantly vary, depending on the financial institution, i.e., from 0% to 18%. Additionally, the rate of interest may vary or change over time for a given account. For example, you may have a 3% interest rate for the first six months and then it may dramatically increase. **WATCH OUT**—in addition to interest, you may be charged an annual fee for the privilege of having the charge account, regardless of whether or not you ever use it.

How do I get credit?

Lenders typically ask you a series of questions, and your answers determine whether they “extend” credit to you. Your answers will also determine the maximum amount of credit you receive, as well as the applicable interest rate. The lender may ask the following types of questions:

- Do you have a steady income? If so, how much is it?

- How long have you worked at your present job?
- How long have you lived at your current residence?
- Do you make enough money to pay for the goods or services that you would like to purchase?
- How “good” is your credit rating, as reported by one or more credit bureaus (as discussed below)?

Although a lender may deny you credit, federal law does not allow lenders to make these decisions based on race, sex, color, religion, national origin, marital status, age (for people 40 and over) or because one receives public assistance.

What is a credit bureau?

A credit bureau is an agency that collects and records personal credit history. Currently, there are three nationally-recognized credit bureaus: Equifax, TransUnion, and Experian. When you open a credit account or borrow money for any purchase, these credit bureaus maintain information pertaining to that transaction and use all the information they have on you to calculate your personal credit rating score. If you make your payments on time, have a low proportion of debt to income, and otherwise act as a financially responsible person, your score will be higher than that of a person who has little or no income, is frequently late in paying bills, or has recently declared bankruptcy.

What if there is a mistake on my credit card bill?

If you have been overcharged, double charged, or there is any other type of mistake with your account, first look over the contract the lender (or credit card company) has sent you, as this generally governs the terms of your account. This contract should tell you how to report billing errors and how the lender will resolve them. Typically, you would be instructed to notify the

credit company of the error in writing within a certain number of days after receiving the billing statement containing the error. Although you may be able to call the lender and easily resolve the billing error, you should always write down the date of your conversation, with whom you spoke, and specifically, what the representative told you regarding your account. Then, make sure subsequent billing statements indicate the error has been corrected.

What if my credit card is lost or stolen?

If your credit card has been lost or stolen, immediately contact the issuing bank or lender. The customer service number is usually listed on your monthly statement and may be on the lender's website. To save valuable time, you should maintain a current list of telephone and account numbers so that you can immediately report any problems. Once you have notified the credit card company that your card is lost or stolen, you generally will not be held responsible for any charges made to your credit card account. Again, you should refer to your credit card agreement, as it may require that you pay back a minimum amount of the unauthorized charges.

What is the best way to use a credit card?

Used correctly, credit cards can be a convenient and safe way to purchase goods or services. There may be times, i.e., when you are traveling or making purchases via telephone or on-line, when it is safer for you to carry and use a credit card instead of cash. Although you usually have some protection against unauthorized purchases, using a credit card to make a purchase may also provide you some protection against a retailer in the event the product is defective, damaged, or not as otherwise promised. In addition, credit cards are a generally accepted form of payment and may be accepted where personal checks are not. Moreover, proper use of a credit card will actually help you build a good credit history that may assist you later in borrowing money to purchase a house or car or obtain school loans.

Remember, buying more on credit than you can afford may negatively affect your ability to make credit purchases or otherwise contract for services (i.e., rent property, or obtain a cell phone, cable or satellite service). **Limit your credit card purchases to an amount that you can pay off the following billing cycle. Generally, if you pay off the entire balance each month, then you pay no interest on the purchase, which means you have borrowed the money for free.** While most credit cards will allow you to pay a minimum monthly payment instead of paying the full amount you owe, this often results in you incurring excessive interest charges over a long period of time. For example, if you bought a new outfit for \$150.00 on your credit card and paid only the minimum monthly payment, depending on your interest rate, you may end up owing the credit card company over \$300.00 for the outfit. If you had waited to purchase the outfit until after you had enough money to pay for the entire bill, you could have used the additional \$150.00 to buy something else, rather than paying the credit card company double the amount.

Additionally, you should be careful about getting too much credit. After getting a job and/or starting college, you may start to receive all types of credit card applications, either in the mail or on a college or university campus, in which the credit card company will offer you a free T-shirt, cap, or other promotional item in exchange for you simply completing the application. Although this may sound like a great deal (and a quick way to get lots of “free” stuff), you should be AWARE that having too many credit accounts or too high of a credit limit may negatively affect your credit rating or ability to get credit in the future.

Need more information?

For more information, you can go to the Federal Trade Commission's website on consumer credit, <http://www.ftc.gov/bcp/menus/consumer/credit.shtm> or the website of almost any major bank for information pertaining to responsible use of credit.

Below are some websites to consumer credit counseling services:

1. Amerix → www.amerix.com
2. Credit Counselors of North Carolina → www.creditcounselorseast.org

Below are websites to credit bureaus (where you may be able to obtain a free copy of your credit report):

1. Equifax → www.equifax.com
2. Experian → www.experian.com
3. Trans Union → www.transunion.com

STOLEN IDENTITY

What should I do if I am a victim of identity theft?

(1) Place a fraud alert on your credit reports.

- Contact one of the three credit reporting agencies. The agency you call is required to contact the other two agencies. A "fraud alert" will be automatically placed on each of your credit reports within 24 hours. This alerts creditors to call you for permission before any new accounts are opened in your name. Not all creditors pay attention to "fraud alerts," so continue to check for any new accounts that may have been opened.
- Once the credit-reporting agencies are notified, you will automatically receive a free credit report from each of the three agencies. After you receive your reports, make note of the unique number assigned to your account. This will be valuable in all your communications with the agencies. Write a victim statement explaining what happened to you and ask for it to be added to your file at each credit-reporting agency.

(2) Close the accounts that you know, or believe, have been tampered with or opened fraudulently.

- Contact creditors of any accounts that have been tampered with or opened without your knowledge. Be sure to put your complaints in writing. Ask each creditor to provide you and your investigating law enforcement agency with copies of the documents showing fraudulent transactions. You may have to fight to get this documentation, but don't give up. You may need these to help track down the perpetrator and/or have this information removed from your credit reports.

- (3) Contact the Federal Trade Commission (www.ftc.gov/): (877) 438-4338.
- While federal investigators only tend to pursue larger, more sophisticated fraud cases, they do monitor identity theft crimes of all levels in the hopes of discovering patterns and breaking up larger crime rings.
 - More importantly, fill out the ID Theft Affidavit at the FTC's Web site (<http://www.ftc.gov/bcp/edu/microsites/idtheft/>), make copies and send to creditors. The agency also has an online complaint form (<https://www.ftccomplaintassistant.gov/>).
- (4) Alert local law enforcement in your city or town.
- You may also need to report the crime to the police departments where the crime occurred. Make sure the police report lists all fraudulent accounts. Give as much documented information as possible.
 - Get a copy of the report and send it to the creditors and the credit-reporting agencies as proof of the crime. Keep the phone number of your police investigator handy.
- (5) Change all your account passwords. If an account does not have a password, add one. Avoid using your mother's maiden name or the last four digits of your Social Security number as a personal identification number.
- (6) Notify the Office of the Inspector General if your SSN has been fraudulently used at <http://www.ssa.gov/oig/hotline/index.htm>. Ask for a copy of your Personal Earnings and Benefits Statement and check for accuracy at <http://www.ssa.gov/mystatement/>.
- (7) You may need to change your driver's license number if someone is using yours as an ID. Go to the Department of Motor Vehicles to get a new number, if needed. Contact your telephone

and utility companies to prevent a con artist from using a utility bill as proof of residence when fraudulently applying for new cards.

CONSUMER PROTECTION

As you may know, all businesses are required to operate in a fair and legal manner; however, this does not always happen. Many North Carolinians lose money every year due to dishonest business practices and consumer fraud. For instance, the portable DVD player you purchased that stopped working after one use, or the iPod that won't shuffle your songs may be quite expensive. There are several state and federal laws that protect consumers from situations like this and encourage a fair marketplace. A "consumer" is an individual acting for personal, family or household purposes.

Consumer protection laws are government regulations that protect your interests. Therefore, as a young adult, when you are making any sort of commercial transaction, it is important for you to be aware and informed of any rights you may have. Consumer protection covers a wide range of topics, including product liability, privacy rights, unfair business practices, fraud, misrepresentation, and other consumer/business interactions.

The Federal Trade Commission Bureau of Consumer Protection (www.ftc.gov) is the nation's consumer protection agency that investigates consumer complaints. The main responsibility of the FTC is to enhance consumer confidence in the U.S. marketplace.

What are some key tips to being a savvy consumer?

- Buyers beware, err on the side of caution, and ask questions, even the crazy ones.
- Think twice before sharing personal information.
- A deal that sounds too good to be true, probably is.
- Don't buy on impulse or under pressure. Research! Research! Research!
- Get the seller's refund, return, and collection policy up front.
- Read and understand any document you are asked to sign, before you sign it.

Have you been scammed? Who do you contact?

The North Carolina Attorney General's Consumer Protection Division (<http://www.ncdoj.com/Consumer.aspx>) is the primary agency responsible for enforcing this state's consumer protection laws. The Attorney General's Office cannot represent you with respect to your legal disputes; however, this agency can assist victims and citizens by referring them to the appropriate agency or resource group that can help them.

You can file a complaint with the North Carolina Attorney General's office by submitting it to: <http://www.ncdoj.com/Consumer/2-2-12-File-a-Complaint.aspx>. A complete list of the types of complaints that can be filed, including automobile sales and repair, furniture sales, landlord-tenant relationships, new home sales and home improvements, debt collection and credit, and marketing scams, can be found on the website. After receiving your complaint, the Attorney General's office may be able to help mediate or informally resolve the dispute. The Consumer Protection Division of the Attorney General's office may even take legal action to enforce the law on behalf of the public in cases where there is a pattern of significant illegal business practices. In addition, the North Carolina Attorney General's website is an excellent resource for information regarding various legal rights. You can also call them toll-free within North Carolina at 1-877-5-NO-SCAM, (919) 716-6000 from outside of North Carolina, or (919) 716-0058 for Spanish speakers.

The Better Business Bureau ("BBB") is another organization that accepts consumer complaints and attempts to informally resolve such disputes. Since the BBB also maintains a public database identifying businesses or individuals that have been the subject of previous complaints, this organization is often effective in working with companies to informally resolve

disputes. The BBB provides educational information and expert advice that is free of charge and easily accessible. The BBB's website (www.bbbonline.com) provides a convenient form for submitting complaints and is also an excellent resource for consumers who want to research a company prior to purchasing its goods or services.

What if I am unable to informally resolve my dispute?

If you are unable to informally resolve your dispute, either by yourself or with the assistance of a consumer protection agency, you may be able to file a small claims action in the county in which you reside or purchased the goods or services. In North Carolina, the small claims courts handle disputes regarding property or money worth \$5,000 or less. Every county in North Carolina has a Small Claims Court, which is sometimes called Magistrate's Court. The judge is called a magistrate and may or may not be a licensed attorney. The trial of a small claims matter usually will last no more than 30 minutes. An attorney is usually not needed for small claims matters, but you may retain one. Anyone 18 years old or older may bring a small claims action, and minors may even do so if a parent, relative, or friend over 18 years old assists them.

If it becomes necessary for you to file an action in small claims court, you should see the Clerk of Court at your county courthouse and be prepared to provide the following items and information:

- the exact name and address of the person and/or company that you are suing;
- all evidence that can help prove your case, such as sales receipts, canceled checks, pictures reflecting the quality of the product or service provided, notes regarding conversations and events; and
- the names and addresses of any witnesses.

The court will schedule a trial date to hear evidence from both sides and will then decide if the company or person who provided the service or product violated the law. If so, the court may award you monetary damages (up to \$5,000) or order that the seller provide you the originally promised product or service. For more specific information on filing a small claims action, you can visit the website of the North Carolina Court System (www.nccourts.org).

What are my rights to cancel certain types of consumer transactions?

Under state and federal law, you have the right to cancel certain purchases even after you have signed a contract agreement, within a relatively brief cancellation period. Generally, a cancellation may be made within three to seven business days, depending on the type of purchase (i.e., health & athletic club memberships, certain loans secured by a residence, undeveloped land, time shares, and specified in-home solicitations and sales occurring away from the seller's place of business). The seller is required to notify you of your right to cancel in the contract itself. Therefore, read the fine print of any contracts carefully. More specific information as to the types of contracts you can cancel and number of days you have to give the seller written notice you are canceling is available on the North Carolina Attorney General's website.

RENTING PROPERTY: LANDLORD–TENANT DISPUTES

There are two places you may want to look to determine what your rights and responsibilities are as a tenant. First, there is North Carolina law. Some of the laws are mandatory and cannot be changed, even if everybody agrees, while other laws can be changed if everyone agrees. Second, there is your lease agreement. Your lease is a contract, and it explains what each party is agreeing to and controls each party's behavior.

In order to enforce the landlord's duties, the tenant must generally pay all rent legally due under the lease and perform certain day-to-day maintenance duties like keeping the premises safe and clean, comply with housing codes, and be responsible for certain damage to the dwelling. The landlord's maintenance and repair duties require the landlord to maintain the premises where you live in a fit and livable condition. If you have a dispute with your landlord, by law you cannot withhold rent unless the landlord consents to it in writing or pursuant to a court order. For additional information and guidance, refer to: <http://www.ncdoj.com/getdoc/65f98289-61ec-4d13-b2dc-133bb5c44999/landlord-tenant-booklet.aspx>

PURCHASING A NEW CAR

What are my rights as a new car buyer or lessee? What is the “Lemon Law”?

For most consumers, buying a new automobile is a large investment. It is essential that consumers be adequately prepared and informed when making final purchase decisions. Among other things, you should have a realistic estimate of your budget, visit several car dealerships and be prepared to negotiate, ask questions about anything that is confusing, understand the terms of any dealer or manufacturer warranty, and carefully read the purchase contract before signing it. After you purchase your new automobile, if a defect occurs or becomes apparent, you may have several options.

In addition to any dealer or manufacturer warranty, the North Carolina Lemon Law, also known as the New Motor Vehicles Warranties Act, protects consumers who buy or lease new automobiles from being stuck with obviously defective vehicles. The Law applies whenever new passenger cars, pick-up trucks, motorcycles and most vans bought in North Carolina are sold or leased for personal use with a manufacturer's written warranty. The Law also applies to the sale or lease of used vehicles that still are covered by the manufacturer's original warranty. The Law requires a manufacturer to correct or repair defects so that the vehicle is in compliance with the terms of the warranty within the first 24 months or 24,000 miles (whichever comes first). If, after a "reasonable" number of attempts to repair the defect, the problem still exists, the Law requires the manufacturer to replace the car or take it back and refund the purchase price, minus a "reasonable allowance" for the use of the car.

CRIMINAL LAW

What is a crime?

It is a crime to do something the law forbids or to fail to do something that the law requires, regardless of whether you know it is against the law. Crimes can range from small, petty offenses, which result in small monetary fines or community service, to serious offenses, which result in jail time, imprisonment, or even death. Crimes are generally classified into one of three categories; minor infractions, misdemeanors, or felonies.

- **Minor Infractions:** Most traffic tickets and speeding citations are considered minor infractions because the punishment for these offenses is generally a monetary fine. Some serious traffic-related offenses, however, are felonies.

- **Misdemeanors:** Less serious crimes, which generally result in detention in a county jail and/or some type of community service, are considered misdemeanors. While misdemeanors in North Carolina typically result in a lesser punishment, in some instances, the punishment may include imprisonment of up to six months.

- **Felonies:** In North Carolina, felonies are generally classified as crimes which are punishable by imprisonment in a State facility or by death (i.e., rape and murder). The length of imprisonment may vary from months to life in prison without the possibility of parole. For the most serious felonies, the punishment can be a sentence of death by lethal injection.

If I am arrested for or convicted of a crime, will it go on my permanent record?

If you are arrested for or convicted for a crime as an adult, it will permanently appear on your criminal record, either as an arrest or a conviction, which is available to prospective employers, educational institutions, and even the general public. Thus, the fact that you have a

criminal record almost certainly will have a significant impact on your life. For instance, a criminal record may impact whether you are accepted to your favorite college or university, whether you are able to enter certain professions (including medical, legal, banking, and many other fields), whether you can have a future in public service, and, in some instances, whether you can vote. Additionally, when you apply for a job, you may be required to disclose your criminal record and potentially be denied employment on that basis.

Finally, if you have a criminal record and are later convicted of another crime, you can expect to receive more severe punishment for the latter offense(s) because you are a “repeat offender.” The links below are to the N.C. Sentencing Guidelines, which state-court judges use in sentencing offenders:

[http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/misdemeanorpunishmentchart.p](http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/misdemeanorpunishmentchart.pdf)

[df](#) and

<http://www.nccourts.org/Courts/CRS/Councils/spac/Documents/felonypunishmentchart.pdf>

Though these charts are detailed, in general, they show that the more severe the crime is, the less justified your particular acts are, and the greater your personal criminal history, the stiffer the sentence or penalty.

What should I do if I am arrested?

You should remain calm and be cooperative with law enforcement officials. You do, however, have legal rights and should not be afraid to respectfully assert those rights. Be AWARE:

- You have the right to remain silent. Although law enforcement are required in certain circumstances to read you your “Miranda Rights” and inform you of your right to remain silent, you should remember that any statement you make, whether it is written or oral, may later be

used against you in court. This includes anything you say to anyone and not just law enforcement officials. Additionally, if you refuse to talk with law enforcement, this cannot be used against you in any way. If you state to the police, “I am invoking my right to remain silent,” it generally prevents them from continuing to ask you questions.

- You have the right to have an attorney. In most cases, if you are arrested for or charged with a crime, you have the right to legal representation, even if you cannot afford it. If you believe you cannot afford to retain an attorney, you should immediately request that the court appoint one for you. Your attorney can be present if you decide to provide any statements to law enforcement and can ensure that your legal rights are protected. If you state to the police “I am invoking my right to an attorney,” they generally must cease all questioning of you.

What happens while I’m in custody?

Once taken into custody, you must be taken before a judicial officer without unnecessary delay. This is called an initial appearance. During the initial appearance, you will be informed of the charges against you, whether or not you will be released from custody pending trial, and if so, under what conditions (i.e., whether bail money is required and any other conditions). Since the reason for bail and other conditions on release is generally to ensure that you appear at trial, you will generally be released from custody if the court believes you will later appear for your trial and are not a threat in the interim. In making this determination, the court may consider the nature of the offense, your residence, whether or not you have family and/or work in the community, and your prior criminal record, if any. Additionally, if you were arrested without a warrant, during your initial appearance, the court will determine whether there is probable cause to charge you with the crime for which you were arrested.

When can I be subjected to a search?

There are a number of situations when law enforcement may conduct a search of you, your automobile, house, or other areas:

- You consent to the search. When law enforcement asks if they can search, you have the right to say no.
- Law enforcement has specifically obtained a warrant to conduct the search.
- If you are lawfully arrested, law enforcement can search your body and the area immediately within your reach and control.
- If law enforcement has reason to suspect that you are armed and dangerous, then they may frisk you and search the area immediately around you for weapons.
- If law enforcement stops an automobile, they can search the automobile if they have “probable cause” to believe that it contains evidence of a crime or contraband. Law enforcement may also search an automobile for inventory purposes if it is impounded.
- If law enforcement is pursuing a suspect.

Law enforcement officials occasionally violate individuals’ rights in a search of their property or in an arrest or other detention. Such violations may later be relevant in any trial relating to charges associated with illegal searches. However, you should refrain from improperly resisting law enforcement, no matter how wrong you may think their actions are.

ALCOHOL, DRUGS, AND TOBACCO

What is the legal drinking age?

As you may very well know, in North Carolina it is illegal to drink alcohol before your 21st birthday. This means it is against the law for anyone under 21 to sell, purchase, possess, consume, distribute, transfer, or attempt to purchase alcoholic beverages. Alcoholic beverages are any beverages containing at least one-half of one percent (0.5%) alcohol by volume. That includes beer, wine, liquor, wine coolers, and mixed drinks. Additionally, it is illegal for anyone (regardless of age) to aid a person under 21 in obtaining alcoholic beverages.

What if I use a fake I.D. to purchase alcohol?

If you use someone else's driver's license or identification (i.e., a passport, military card, or birth certificate) to purchase alcohol or use someone else's personal documentation to obtain false identification, both you and the person aiding you are committing a crime. Likewise, if you physically alter any form of government-issued identification or use an altered identification, you are committing a crime. These crimes are misdemeanors which can result in jail time and fines and will permanently remain on your criminal record.

Is there a law against being drunk in public?

Yes, even if you are 21 years of age, it is unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:

- Blocking or interfering with traffic.
- Blocking or interfering with access to or passage across a sidewalk or entrance to a building.
- Grabbing, shoving, pushing, fighting, or challenging others to fight.

- Cursing, shouting at, or otherwise rudely insulting others.
- Begging for money or other property.

What is a DWI?

DWI stands for Driving While Impaired. North Carolina has strict DWI laws. This is due in part to the citizens of North Carolina requesting that the state's General Assembly pass tough laws to prevent drinking and driving, and help prevent innocent people from being injured by others who are drinking and driving. In addition to impairing one's decision-making ability, drinking reduces one's coordination and reflexes.

In North Carolina, it is illegal to have any alcohol in your system while driving when you are under the age of 21. Once you turn 21, it is illegal to drive when you are impaired. If you have a blood-alcohol content of 0.08, under state law, you are impaired. To calculate your approximate blood-alcohol content, visit http://www.brad21.org/bac_charts.html You may be deemed legally impaired with a lower concentration of alcohol than 0.08 if your conduct shows that you are impaired. Bad driving or inability to perform certain physical tests is evidence of impairment, and it may be enough to convict you of DWI. If you drive after using drugs, an officer can have your blood drawn in order to prove impairment.

The penalties for DWI are severe. You automatically lose your license for one year. Also, you must complete significant counseling and community service sessions. Your insurance premium will certainly increase. The worst penalty, however, occurs if you hurt or kill an innocent person, which may also result in a civil or criminal lawsuit against you.

For More Information, Please Visit:

<http://www.ncleg.net/gascripts/Statutes/StatutesTOC.pl?Chapter=0018B>

What is the law relating to drugs?

Under North Carolina law, it is unlawful for anyone to sell, deliver, or possess any controlled substances (including marijuana, amphetamines, opiates, barbiturates, hallucinogens, inhaled intoxicants or any other substances declared illegal by the government). This includes using or selling someone else's prescription drugs. Consuming drugs is the same as possessing them, and a police officer may order a medic to draw your blood in order to prove that you have consumed a drug.

It is also illegal to create, sell, deliver, or possess with the intent to sell or deliver a counterfeit controlled substance. In addition to actual and counterfeit controlled substances, the law prohibits you from possessing any drug paraphernalia. Drug paraphernalia includes materials of any kind that are used or intended to be used for drug consumption such as cigarette rolling papers, bags and containers, pipes, and needles. In some instances, the crime of possessing drug paraphernalia is more serious than the crime of possessing small amounts of certain illegal drugs, and you can be sentenced to jail time and fines.

What about tobacco products?

Under North Carolina law, it is illegal to sell or give tobacco products (including samples or wrapping papers) to anyone under 18 years of age. Remember, just because you can legally smoke or chew when you turn 18, it certainly does not mean that it is the healthy or cool thing to do. In fact, North Carolina (effective January 2, 2010) bans smoking in all restaurants and bars (excluding cigar bars and private clubs), as well as government buildings and vehicles.

WEAPONS

How old must I be to purchase a gun?

Although you can legally possess and purchase a shotgun or a rifle after you turn 18 years of age, you must be at least 21 to purchase a handgun. A handgun is defined as a pistol, revolver, or other gun that has a short stock and is designed to be held and fired by the use of a single hand.

Do I need a permit prior to purchasing a firearm?

Although you do not need to obtain a permit to purchase a rifle or shotgun, you must apply for and obtain a permit from the Sheriff's Department in the county where you reside prior to purchasing a handgun. The permit requirement applies to all handguns, whether they are purchased from a licensed dealer or private individual or received as a gift or inheritance. In addition, if you purchase any type of firearm, you can expect to undergo a criminal background check.

Can I legally carry a concealed weapon?

Even if you are old enough to purchase a firearm, this does not mean you can carry it in a concealed manner (i.e., hidden in your clothing, gym bag, purse, or car). North Carolina law prohibits you from carrying any concealed weapon (firearms, knives, or other deadly weapons) while you are away from your residence unless you have a concealed weapon permit. To obtain a permit and legally carry a concealed weapon, you must be at least 21 years old.

Are there any laws relating to concealed weapons and alcoholic beverages?

Yes, as this can be a deadly mix. Under North Carolina law, it is unlawful for a person, with or without a permit, to carry a concealed weapon while consuming alcohol or at any time while the person has alcohol or a controlled substance in his or her system. Although this

prohibition does not apply to controlled substances lawfully obtained and taken in therapeutically appropriate amounts, it does prohibit you from drinking any amount of alcohol while carrying a concealed weapon.

Where are weapons prohibited?

Permit or not, weapons are prohibited at the following locations:

- On school property, including school buses or off-campus activities.
 - Exceptions: law enforcement, emergency workers, approved educational purposes or ceremonial reasons.
- At assemblies or establishments where a fee has been charged for entry (i.e., concerts and athletic events).
 - Exceptions: owner or lessee of a business, individuals participating in an event who have permission for the weapon, and privately hired security guards.
- Establishments where alcoholic beverages are sold and/or consumed (including bars and restaurants).
 - Exceptions: grocery stores or similar establishments.
- State property, including courthouses.
- Parades, funeral processions, demonstrations at any private health care facility, and picket lines.
- Financial institutions.
- Locations that have a conspicuous notice posted that concealed weapons are prohibited.

RIGHTS AS A FOSTER CHILD

If you are or have been a foster child in North Carolina, you may have a number of additional rights that can help you as you become an adult. Whether you are aging out of the foster care system (because you will turn 18 without being adopted), or if you have been adopted, there are some special rights and programs you should know about as you become an adult.

Can I remain in foster care after I turn 18?

Yes, you may remain in foster care after you turn 18 (up to age 21) in order to remain in school or vocational training full time. To stay in foster care, you will need to sign a CARS Agreement (Contractual Agreement for Residential Services). This form is available online at <http://info.dhhs.state.nc.us/olm/forms/dss/dss-5108.pdf>

What if I am aging out of the foster care system?

If you are approaching adulthood as a foster child, there may be additional hurdles you will face as you become an adult. For information on transitioning into adulthood, visit www.naco.org/Content/ContentGroups/Issue_Briefs/IB-YouthAgingoutofFoster-2008.pdf

What special rights do I have if I age out of foster care in North Carolina?

In North Carolina, every county provides certain services to foster youth who are not yet 21. Even if you age out of the foster care system at age 18, you may be eligible for educational services, Medicaid, financial assistance, help finding a job and help learning to live independently. You can find out more about these rights at: www.dhhs.state.nc.us/dss/publications/docs/iv-bfunding.pdf

What is the NC LINKS program?

If you have been a foster child in North Carolina while you were between ages 16-18, you may already know about the LINKS program. NC LINKS helps you to assess your strengths and weaknesses, come up with a plan for what you would like to do, and then provides services to help you reach your goals. This program may also be available to you between the ages of 18-21, if you do not have access to \$10,000 or more in personal resources. If you have access to more than \$10,000 or if you are an undocumented alien youth or young adult, you may still be able to benefit from LINKS services, but funding may be decreased or unavailable. In addition to some other benefits, LINKS provides access to two special funds – one fund provides up to \$1000 to help you transition into independent housing and the other fund provides money for transitional or non-housing expenses such as furniture, utilities, tutoring, transportation, and participation in social or leisure activities. More information about the LINKS program is at <http://www.dhhs.state.nc.us/dss/links/index.html>

Will someone help me pay for college?

If you age out of foster care in North Carolina at age 18, or if you were adopted from foster care in North Carolina after age 12, you may be eligible to receive a scholarship for tuition, room and board, fees, and books at the 16 branches of the University of North Carolina system or any North Carolina Community College. This funding is provided by the NC Reach program. Another funding program, the Educational Training Voucher Program (ETV), may also be available to provide up to \$5,000 to help pay for the cost of college attendance. Applications for the ETV Program can be sent to nc@statevoucher.org