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Statute of Limitations

Print Español

A statute of limitations is the deadline for filing a lawsuit. Most lawsuits MUST be filed within a certain amount of time. In general, once the statute of limitations on a case "runs out," the legal claim is not valid any longer.

The period of time during which you can file a lawsuit varies depending on the type of legal claim. Here are the statutes of limitations for some common types of legal disputes:

- Personal injury: Two years from the injury. If the injury was not discovered right away, then it is 1 year from the date the injury was discovered.
Breach of a written contract: Four years from the date the contract was broken.
Breach of an oral contract: Two years from the date the contract was broken.
Property damage: Three years from the date the damage occurred.
Claims against government agencies: You must file a claim with the agency within 6 months (for some cases, 1 year) of the incident. If the claim is denied, you can then file your lawsuit in court and the regular statute of limitations applies.

Some crimes, such as murder, are considered so terrible that they often have no statute of limitations period. See a table for "statutes of limitations" in many types of cases.

Figuring out when the statute of limitations runs out on a claim is not easy. If you have any doubts about how to calculate the time you have, talk to a lawyer. Click for help finding a lawyer. Your court's self-help resources may also be able to help you find out more about the statute of limitations in your case. Click to find help from your court.

Government claims

When you sue a government agency, you first have to file a special claim (called an "administrative claim") with the government office or agency before you file in court. You have to use the government's form to file the claim.

- For personal injury or personal property damage, you must file your administrative claim within 6 months of the date of the injury. (There are a few exceptions. Review California Government Code section 905 and section 911.2 or talk to a lawyer.)
For breach of contract and real property damage cases: You must file your administrative claim within 1 year of the date the contract was broken or the real property damage occurred.

After you file your claim, the government has 45 days to respond. If the government agency denies your claim during the 45 days, you have 6 months to file a lawsuit in court from date the denial was mailed or personally delivered to you.

The statute of limitations for government claims can be complicated to figure out. Talk to a lawyer if you have any doubts about how much time you have. Click for help finding a lawyer. Your court's self-help resources may also be able to help you find out more about the statute of limitations in your case. Click to find help from your court.

Tolling of the statute of limitations

Sometimes the statute of limitations is suspended ("tolled") for a period of time, and then begins to run again. For example, tolling may happen when the defendant is a minor, is out of the state or in prison, or is insane. When the reason for the tolling ends (like if the minor turns 18, or the defendant returns to California or gets out of prison, or the defendant is no longer insane), the statute of limitations begins to run again.

Cases dealing with tolling may be very complicated and you need to talk to a lawyer.

MOST COMMON STATUTES OF LIMITATIONS

This table lists the most common time periods for starting lawsuits also known as filing a claim. The law on time periods for starting lawsuits is found in California Code of Civil Procedure sections 312-366. Check these code sections to confirm how much time you have to file your lawsuit.

Check the Code of Civil Procedure sections if the problem is different from those listed here because the time period to sue may be anywhere from months to many years.

IMPORTANT: Make sure you read the law that applies to your specific case because there may be exceptions or other laws that apply to the facts in your case. Talk to a lawyer to make sure you understand the statute of limitations that applies to your specific case.

Table with 2 columns: Type of Problem (or Case) and Time Period During Which You May Sue (or Be Sued). Rows include: Injury to a person (2 years), Damage to property (3 years), Libel or slander (1 year), Oral contracts (2 years), Contracts in writing (4 years), Known (apparent) problems (4 years), Unknown (not apparent) problems (10 years), Personal property left at a hotel/hospital (90 days), Against a health-care provider (1 year), Against a bank (1 year), Against government agencies or offices (6 months).