

If you've been hurt in a crash or a fall, or blindsided by a medical mistake, the calendar starts running before you've even caught your breath. That quiet countdown has a name, the statute of limitations, and it can decide whether your claim gets heard on the merits or never gets heard at all. I have seen strong cases die on procedural grounds because someone waited six weeks too long. I have also seen families recover fully because they acted early and preserved their rights. Timing is not everything in a personal injury case, but it comes close.

This guide explains what statutes of limitations are, why they vary, how exceptions work, and how to protect yourself. I'll talk plain, use examples, and share the sort of tactical advice I give clients when they call a car accident lawyer two days or two months after a collision. The goal is simple, make sure you know what clock you are on, and how to keep it from running out.

What the statute of limitations actually is

A statute of limitations is a law that sets the deadline to file a lawsuit. Miss it, and the court will dismiss your case regardless of how strong your evidence is. The policy behind these laws is practical. Evidence goes stale, memories fade, and defendants deserve some peace after a defined period. The legislature balances that against a victim's right to seek redress by choosing a timeframe that seems fair for the type of claim.

These deadlines depend on two things. First, the type of case, for example, negligence, wrongful death, product liability, medical malpractice, or a claim against a government entity. Second, the state where you file. There is no national standard. One state may allow three years for a car crash claim, another gives you two. Medical malpractice often has its own clock, sometimes shorter, sometimes tied to when the injury was discovered. Claims against public agencies come with special notice requirements that compress the timeline even further.

In most personal injury cases, the clock begins on the date of the injury. If you were rear-ended on June 1, 2025, that day likely starts the count. Discovery rules and tolling, which I'll explain in a moment, can shift that start date. Do not assume they will.

Common timeframes, and why "typical" can lead you astray

People love a rule of thumb, and I get why. You want to know if you have one year, two, or three. For general negligence, you often see one to three years. For medical malpractice, one to two years is common, sometimes with a longer outer cap known as a statute of repose. Wrongful death can mirror the underlying personal injury period or differ entirely. Product liability claims often track general negligence but can be cut off by a repose period measured from the date of sale, even if the defect is discovered later.

Here is the catch. Exceptions swallow rules of thumb. For instance, a state may allow three years for personal injury, but if the defendant is a city bus authority, you may have to file an administrative claim within ninety or one hundred eighty days. Another state might have a two year period for injury, yet extend the deadline if the victim is a minor. If you moved after the crash and want to file where you live now, the new state could apply the other state's shorter deadline through a borrowing statute. I have seen claims vanish because someone relied on a friend's story about what "usually" applies.

When clients ask me for a quick answer on timing, I give a cautious range, then I pull the specific statute and any related case law. That takes minutes, not days, but it matters. A car accident attorney who practices where your crash occurred can do this quickly and save you from costly assumptions.

The discovery rule, explained through real cases

The discovery rule [follow this link](#) delays the start of the clock until the injury was discovered or reasonably should have been discovered. It makes sense in hidden-injury cases. Think of a surgical sponge left behind in 2022 that causes infections in 2025. The clock may start when the patient first notices symptoms that a reasonable person would connect to medical care, not on the surgery date. Or consider toxic exposure, where harm accumulates over time. Courts ask when a person knew or should have known that the exposure caused injury.

In my practice, discovery fights come up in two patterns. First, in malpractice cases where symptoms were subtle and the diagnosis arrived late. Second, in product cases involving defects that failed years later. Judges do not accept “I didn’t know” without evidence. Medical records, symptom logs, and email exchanges with providers often become the record of who knew what, and when. Juries weigh credibility under the discovery rule, but if the statute has a short, hard outer limit, the statute of repose can bar the claim even if discovery happens later. That’s a sharp edge many clients do not see coming.

Tolling: pauses and extensions that can save a claim

Tolling stops or extends the limitations clock under specific conditions. The most common tolling scenarios involve minors, mental incapacity, bankruptcy stays, and defendant conduct that prevents filing.

For minors, many states toll the clock until the child reaches the age of majority. A 16 year old struck in a crosswalk often has years past their 18th birthday to sue. There are exceptions. Claims against public entities may not toll, or the tolling applies only after strict notice is given by a parent or guardian. I advise families not to wait, even if tolling seemingly gives them time. Evidence from an intersection camera does not care that a teenager gets extra years, it overwrites on a loop in thirty or sixty days.

Mental incapacity tolling is narrow. Courts look for objective proof, such as a guardianship, hospitalization, or expert records establishing that the person could not handle their affairs. Depression and pain, while real and debilitating, rarely qualify. Fraudulent concealment by a defendant can toll the clock when a provider or company actively hides facts a plaintiff needs to discover the claim. The bar is high. Bad bedside manner is not concealment. Shredding records is.

Bankruptcy can pause litigation in some contexts, and Covid emergency orders paused deadlines in several jurisdictions temporarily. The lesson is simple. Tolling is an argument, not a guarantee. It requires evidence and often litigation within the litigation.

Government defendants and the trap of early notice

Suing a city, county, state agency, or federal entity usually triggers a special procedure that comes well before any lawsuit. Many states require a sworn notice of claim served within a short window after the incident, often 60 to 180 days. The federal government has its own administrative process under the Federal Tort Claims Act, which requires a Standard Form 95 and a sum certain demand within two years, followed by agency review before suit.

These pre-suit steps are not optional. A missed notice can doom an otherwise valid claim. One family I represented after a bus collision called me on day 14. We secured surveillance footage before the transit authority overwrote it, filed a claim within the 90 day period, and preserved their rights. Another caller reached out after 11 months, sure that the general two year limit controlled. It did not, and there was nothing I could do. If your crash involved a government vehicle or public property, call a personal injury lawyer immediately. If you are intent on handling it alone, call the agency and ask for written instructions on claim filing, then meet those steps to the letter.

Why waiting harms more than your deadline

Deadlines aside, delay strips evidence out of a case piece by piece. I'll give you a few snapshots.

A hit and run [Workers Compensation](#) at dusk. The only camera faces east. That system overwrites every 7 days. If no one asks, the footage is gone. We learned this after a client waited three weeks to call. The case settled eventually, but for less than it should have because the liability fight never ended.

A commercial trucking crash. The driver's electronic logging data cycles quickly. The carrier has a retention duty once on notice, but not before. A letter sent within days preserves logs, GPS pings, and maintenance records that prove hours-of-service violations. Wait a month, and you are arguing about inferences instead of pointing to a line of data.

A slip and fall at a grocery store. The spill was not milk, it was a slow leak from a freezer line that had been reported twice in the week prior. We needed maintenance tickets to show notice. Those tickets lived in a franchisee's back office until someone shredded old work orders during a move. Because we sent a spoliation letter early, the court was willing to sanction the store and instruct the jury that destroyed evidence could be presumed unfavorable. Without that letter, we would have had no remedy.

These examples are why I advise potential clients to treat the statute of limitations like the last acceptable day, not the goal. A car accident attorney who answers your call on day three has tools a lawyer on day 300 does not.

Choosing the right forum and the problem of borrowing statutes

Where you file also affects the clock. If a crash happens in State A and you live in State B, you might be able to file in either, depending on jurisdiction rules. However, some states have borrowing statutes that tell courts to apply the shorter limitations period from where the claim accrued. Imagine State A gives you three years and State B gives you two. File in State B, and the court may borrow State A's shorter or equal period, or vice versa. The specifics vary, and they can be case dispositive. I have had to explain to attorneys from other states that our courts will not entertain their longer timeline just because it is convenient.

Choice of law clauses can also affect product and premises cases when contracts are involved. A gym membership agreement might try to shorten the limitations period through a contractual clause. Courts sometimes enforce these, sometimes not, but you do not want to find out after the period runs. Bring these documents to your lawyer early.

Special case: uninsured and underinsured motorist claims

Motor vehicle collisions raise a unique clock hiding inside your own policy. Uninsured or underinsured motorist (UM/UIM) claims often require prompt notice to your insurer, and the policy may set a time limit to file suit or demand arbitration. Even if the state allows two or three years to sue the at-fault driver, your policy might demand that you take certain steps much sooner. I read those policies line by line when a client calls. If you do not, you can run out of time on the one pot of money that actually exists.

Another wrinkle. Some states require you to resolve the liability claim before a UM or UIM claim ripens. Others allow simultaneous pursuit. Your car accident lawyer should map the order of operations so that one deadline does not choke another.



The role of a personal injury lawyer in managing the clock

A seasoned personal injury lawyer does three things on day one. They identify every possible defendant and forum, they map the applicable deadlines including notice and administrative prerequisites, and they send preservation letters to lock down evidence. After that, we begin the ordinary work of investigating fault and damages. The timing work continues in the background, tracking medical bills, lien notices, and insurance policy deadlines. Deadlines rarely kill a case when a lawyer is involved early. They kill cases when a client hesitates or believes an adjuster who says, "There's no rush."

I am not naïve about cost and access. People delay because they worry about fees, because they want to see if pain fades, because they do not trust lawyers, or because life gets in the way. Contingency arrangements exist for a reason. A brief free consultation with a car accident attorney can take the guesswork out of the calendar and let you focus on healing.

How insurers use the clock

Adjusters know the calendar as well as we do. Some will play fair. Others will slow walk, especially if they sense you are unrepresented and close to a deadline. You will hear subtle variations of "Let's wait for a few more records," or "We need final bills," or "Our insured hasn't returned our calls." Meanwhile, the calendar drains. When it is almost empty, the tune changes. If you cannot file suit before the deadline, the leverage flips. Even a fair adjuster loses authority to settle once a claim is time-barred. They are not allowed to pay out on a claim a court would throw out.

This is why I keep a litigation file open even while I negotiate. If settlement talks stall and the deadline is four weeks away, we draft and file. That is not aggression. It is preservation.

The myth of "I can always file later" and the reality of pre-suit resolution

Clients often ask whether waiting helps because it allows injuries to declare themselves. There is a kernel of truth. If you settle too quickly, you risk underestimating future care. But waiting does not require silence. You can notify insurers and defendants, preserve evidence, and toll some internal policy deadlines by agreement, while you continue treatment. Pre-suit resolution works best when both sides see the same evidence. That only happens if you start collecting early.

On the defense side, good attorneys will sometimes stipulate to extend a deadline for a few months to allow mediation. That requires trust and professionalism, and it should never replace filing when needed. Extensions are a tool, not a plan.

A short story about a case saved by a calendar

Several years ago, a construction worker fell from a temporary scaffold when a railing failed. The general contractor pointed to the subcontractor, who pointed back. The injured worker called us five weeks after the fall, already worried about being seen as litigious. We filed spoliation letters the same day and asked for any contracts between the GC and the sub. Those contracts included an indemnity clause and an obligation to retain incident reports. The GC's insurer then revealed an internal notice period: 30 days for incident reporting by subs, which had just passed. Because we were in the loop, we persuaded the GC to invoke its own rights to force the sub to open files, avoiding the disappearing act that often follows missed internal deadlines. The statute of limitations was two years, plenty of time, but the evidence clock was measured in days. That case settled for a fair sum because we moved early, not because we had more time on the headline statute.

When an extension is possible, and when it is not

Judges do not grant equitable extensions of a statute of limitations just because someone asks nicely. The few lifelines that exist depend on the statute itself. Fraudulent concealment, minority tolling, and certain discovery rule applications are statutory or judicially recognized doctrines, not favors. Clerical errors rarely excuse a late filing. Filing in the wrong court does not save you unless there is a savings statute that allows refiling within a short window. Some states have such statutes, often measured in 30 to 180 days after a dismissal not on the merits. Others do not.

Do not count on these safety nets. They are narrow and fact-specific. Build your plan around the earliest arguable deadline.

Practical steps to protect your claim timeline

Here are the actions I advise almost every injured person to take within the first month, regardless of how long they think they have. This is the only checklist I keep taped inside my intake folder, because it works.

- Document the event: photos, names of witnesses, incident or police report number, and a short written account while memories are fresh.
- See a doctor and follow through: gaps in treatment hurt both your health and your case, and they invite insurers to argue you were not really injured.
- Notify insurers promptly: your own carrier for UM/UIM and med pay, the at-fault carrier for liability, and any employer plan if workers' comp is involved.
- Preserve evidence: request video, send preservation letters to businesses, save damaged parts or clothing, and keep a pain and function journal.
- Call a lawyer early: even a brief consult with a personal injury lawyer can map deadlines and avoid the government-claim trap.

Special caution for multi-vehicle and rideshare crashes

Rideshare collisions and delivery vehicle crashes add layers. Policies change hands depending on whether an app is on, a passenger is in the car, or a delivery is in progress. Each layer may carry different internal notice provisions, some as short as 30 days. If a Lyft or Uber is involved, screenshots showing driver status, trip details, and timestamps help. I have had to reconstruct these from emails and bank charges when clients waited. It is much cleaner to capture them the day of.

Multi-vehicle pileups raise comparative fault issues. In several states, if you are more than 50 percent at fault, recovery is barred. Evidence of relative fault, such as sequence of impacts and speed data, gets murky with time. A car accident lawyer familiar with crash reconstruction can deploy experts early to anchor the narrative.

How a statute of repose can slam the door, even with discovery

A statute of repose is a final cutoff measured from a defendant's act, not from injury or discovery. In medical cases, it might be seven years from the date of the procedure. In construction defect cases, it can be ten years from substantial completion of the work. If you discover harm in year nine, a five year limitation with a discovery rule does not help, because the ten year repose period ends everything. The same is true in some product cases, where the clock can run from the date of sale. Repose periods are unforgiving. The only solution is to identify them early and file before they expire.

The human side of deadlines

Calendars feel cold when your body hurts and your life is upside down. I remind clients that protecting a deadline is an act of self-respect, not aggression. It buys you options. It forces insurers and defendants to treat your claim as real, not as something that might fade if they stall. People who move early often sleep better, because they stop guessing. They know the timeline, they know the plan, and they can focus on healing.

I also see how deadlines collide with culture and circumstance. Some clients hesitate because they do not want to blame others. Some distrust institutions. Some juggle childcare, work, and pain with no spare time to call anyone. That is why legal teams that handle injury cases try to meet people where they are. We text updates, we use e-signatures, we send mobile notaries. A good car accident attorney clears the path so that timing becomes a solved problem, not another source of stress.

Questions I hear every week

Can an insurance adjuster waive the statute of limitations? No. An adjuster can agree to extend a settlement deadline or toll an internal policy requirement, and you should get that in writing, but they cannot change the law. Only a court or the legislature can.

What if I missed the deadline by a few days? In most cases, the claim is barred. Sometimes there is a savings statute if the case was filed timely and dismissed for a procedural reason, allowing a short window to refile. Missing the original filing deadline without a recognized tolling doctrine is fatal.

Does a criminal case against the at-fault driver change my deadline? Not directly. It can help evidence gathering, and a restitution order may offset damages, but your civil filing deadline remains what it is. Some states toll while a defendant is a fugitive, but that is narrow.

If I was partially at fault, should I still file? Often yes, especially in comparative negligence jurisdictions where recovery is reduced by your percentage of fault, not eliminated. The statute applies regardless of fault allocation, so the timing question stands on its own.

Do I have to wait to finish treatment before filing? No. You can file within the deadline to preserve the claim and continue treating. You can amend damages later. Settling requires a clear picture of future care. Filing does not.

Final thoughts from a practitioner's calendar

I started keeping a simple ritual years ago. When a new case comes in, I write three dates on a sticky note and put it on the front of the file. The earliest possible deadline assuming the shortest statute or notice requirement. The most likely deadline under current law. The latest risk date if a tolling doctrine might apply. We aim for the earliest. We use the most likely as a check. We never count on the latest. That small habit has saved more cases than any piece of rhetoric.

If you take nothing else from this, remember two things. First, the statute of limitations is a rule you can control by acting, not a fate that drops from the sky. Second, you do not have to figure it out alone. A personal injury lawyer who spends all day navigating these rules can map your path in one phone call. Whether you hire that lawyer or not, make the call early. The calendar will not wait, and it does not care how sympathetic your story is. The people and the evidence that will carry your story do, and they are easiest to reach while the ink on the police report is still drying.