



Accidents
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CALIFORNIA PERSONAL INJURY REFERENCE

Statute of Limitations Cheat Sheet

Filing deadlines for California injury, medical malpractice, and government-tort claims.

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Why deadlines decide your case before the facts do

A personal injury claim in California is governed first by what happened to you and second by **when** you file. Miss the filing deadline – the statute of limitations – and the strongest evidence in the world will not save the claim. The court is required to dismiss it.

This sheet pulls the deadlines that matter for the cases Burg & Brock handles every day: car crashes, truck collisions, slip-and-falls, dog bites, dangerous-condition claims against public entities, and wrongful death. We do **not** handle medical malpractice, but we still flag its deadline below because it is the single most common one our intake team has to redirect callers around.

If you were hurt by a city, county, or state employee or vehicle

Stop reading and call us today. The window to put a government entity on notice is six months – not two years. Details below under Tort Claims Act.

CCP §335.1 – the two-year general rule

California Code of Civil Procedure section 335.1 is the headline rule. You have **two years from the date of injury** to file a lawsuit for:

- Auto accident injuries (driver, passenger, pedestrian, cyclist)
- Truck and motorcycle collisions
- Slip-and-fall and trip-and-fall on private property
- Dog bites
- Assault and battery
- Wrongful death (two years from the date of death, not the date of injury)

Two years sounds long. It is not. Insurance negotiation, medical treatment, and lien resolution routinely consume a year before suit is even drafted. File late, and §335.1 ends the case. Read the statute on the official California Legislature site at leginfo.legislature.ca.gov – [CCP §335.1](#).

CCP §340.5 — medical malpractice (one year / three years)

Medical malpractice runs on a different and shorter clock. Under [CCP §340.5](#), suit must be filed by the earlier of:

- **One year** from the date the injury was discovered (or reasonably should have been discovered), **or**
- **Three years** from the date of the injury itself.

Burg & Brock does not take medical malpractice cases. If your claim is against a doctor, hospital, surgeon, or other healthcare provider for the medical care they delivered, call a med-mal specialist immediately — that one-year clock is brutal.

Government Code §911.2 and §945.6 — the Tort Claims Act

Anyone hurt by a public entity (a city bus, a county pothole, a state-run hospital, a public school district vehicle, a CHP cruiser) faces two stacked deadlines. Miss the first and the second never opens.

- **Gov. Code §911.2:** A written claim must be presented to the public entity within **six months of the injury** for personal injury, and within one year for property-damage-only claims.
- **Gov. Code §945.6:** If the entity rejects the claim in writing, you have **six months from the rejection notice** to file suit. If they never respond, you have **two years from the date of injury** to file.

Late presentation can sometimes be cured under [Gov. Code §911.4](#) (application for leave to present a late claim), but the standard is strict. Treat six months as your only deadline.

Other statutes that come up often

Code	Subject	Deadline
CCP §337	Written contract	4 years
CCP §339	Oral contract	2 years
CCP §338(c)	Property damage	3 years

Code	Subject	Deadline
<u>CCP §338(d)</u>	Fraud / mistake	3 years (from discovery)
<u>CCP §340(c)</u>	Libel, slander, false imprisonment	1 year
<u>CCP §340.1</u>	Childhood sexual assault	Age 40 or 5 years from discovery
<u>CCP §335.1</u>	Wrongful death	2 years from date of death
<u>Gov. Code §911.2</u>	Claim vs. public entity (PI)	6 months
<u>CCP §340.5</u>	Medical malpractice	1 yr discovery / 3 yr outer

Tolling — when the clock pauses

A few situations pause (or "toll") the running of the statute. None of these are automatic; the burden to prove tolling is on the claimant.

- **Minors (CCP §352)**. The clock for an injured child is paused until the eighteenth birthday. The two-year clock then runs to age 20 — **except** for med-mal under §340.5, which has its own minor rules (filing must be by age 8 or within 3 years of the act, whichever is later).
- **Mental incapacity (CCP §352)**. A person who lacked legal capacity at the time of injury may toll until capacity returns.
- **Discovery rule (Jolly v. Eli Lilly, 44 Cal.3d 1103 (1988))**. When the cause of injury was not reasonably discoverable until later (toxic exposure, latent product defects), the clock starts on discovery — not on the original event.
- **Defendant out of state (CCP §351)**. If the defendant leaves California after the injury, the time of absence does not count against you (subject to limitations under federal law).

A simple decision tree

1. **Is the at-fault party a public employee, vehicle, or entity?** → Yes: **6 months** under Gov. Code §911.2. Stop here, call us.
2. **Is the injury from medical care by a healthcare provider?** → Yes: §340.5 controls. Call a med-mal specialist.

3. **Was the injured person under 18 at the time?** → Yes: clock tolls to the eighteenth birthday for most claims (not med-mal).
4. **Anything else (auto, slip-and-fall, dog bite, premises, product)?** → CCP §335.1: **2 years from the date of injury.**
5. **Wrongful death?** → 2 years from the date of death.

Before the deadline runs, get the case in motion

Filing on day 729 is legal. It is also a terrible idea. Insurance carriers value claims based on how prepared the plaintiff is, not on how close to the deadline you filed. Treatment records, scene photos, witness statements, and lien letters all take months to assemble. Start early.

If you are reading this with less than ninety days on the clock, do not wait. Call Burg & Brock now. Our intake team pulls the deadline calendar with you on the same call.

Talk to a Burg & Brock attorney — free, confidential, no obligation.

Seven offices across California. We answer the phone twenty-four hours a day, seven days a week, and our fee is contingent — you owe nothing unless we recover for you.

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