

# SMALL CLAIMS

## HOW LONG DO I HAVE TO FILE MY CLAIM

### STATUTE OF LIMITATIONS

---

The legislature sets up time limits within which lawsuits must be filed. These are called statutes of limitations. Time limits are different for different types of cases. If you wait too long, your right to sue may be barred by these statutes. Here are the statute of limitations periods most likely to affect you. This list is not exhaustive. You will find the limitation periods for more obscure types of legal actions in Code of Civil Procedure Sections [312-366.3](#).

#### SUMMARY OF COMMON STATUTE OF LIMITATIONS PERIODS

- **6 months** **Claims against governmental agencies.** Govt. code Sections 911.2, and 945.6.  
*e.g., a claim against the county for property damage caused by county employees.*
- **2 years** **Lawsuits for personal injuries.** CCP 335.1.  
*e.g., a claim for medical expenses resulting from an auto accident.*
- **2 years** **Lawsuits regarding oral contracts.** CCP 339.  
*e.g., a claim for payment on a loan made to someone.*
- **3 years** **Lawsuits involving fraud and property damage.** CCP Sections 338  
*e.g., a claim for damages suffered because someone lied to you to get you to buy goods or services from them.*
- **4 years** **Lawsuits regarding written contracts.** CCP 337.  
*e.g., a claim for amount owed under a written contract after goods or services have been provided.*

#### STATUTE OF LIMITATIONS

- **6 months/1 year: Claim against Government Agency**  
Before you can sue a city, county, or state government you must file an administrative claim form. The time period in which this must be done is six months for cases involving a personal injury and/or damage to personal property, and one year for claims for breach of contract and damage to real property. (Govt. Code Sec. 911.2). If the government entity rejects your claim, you have an additional six months in which to file suit. (Govt. Code Section 945.6). If the government entity does not act on your claim, you have two years from when you first had the right to sue to file your case in Small Claims Court. (Govt. Code Section 945.6).
- **2 years: Personal Injury**  
The statute of limitations period begins to run from the date of the injury, or, if the injury is not immediately discovered, one year from the date it is discovered. (CCP Section 335.1).
- **2 years: Oral Contract**  
The statute of limitations period begins to run from the day the contract is broken. (CCP Section 339).
- **3 years: Property Damage (personal or real), Fraud (date of discovery)**  
The statute of limitations period begins to run on the day the damage occurs. The statute of limitations is ten years for lawsuits stemming from property damage that results from latent defects in the planning, construction or improvement of real property. (CCP Section 338).
- **4 years: Written Contract**  
The statute of limitations period begins to run from the day the contract is broken. (CCP Section 337).