

Every car crash case has two clocks: the medical clock and the legal clock. The medical clock starts when the body takes a hit. The legal clock starts the moment the collision happens, and it answers a tougher question: how long do you have to file a lawsuit? That deadline is set by the statute of limitations, and it varies by state, claim type, and sometimes by the identity of the defendant. Miss it, and even the strongest case can evaporate.

I have seen viable claims collapse because someone relied on a Google snippet or a friend's memory of the deadline instead of getting a hard answer tied to their facts. I have also seen cases saved by a lesser-known rule that paused the clock or extended it after a latent injury surfaced. The goal here is to demystify the timelines that govern motor vehicle injury and property damage claims, highlight traps that catch people off guard, and give practical guidance you can use before calling a car accident lawyer.

What a statute of limitations really does

Think of the statute as a filing deadline for court, not for insurance negotiations. You can and often should start an insurance claim immediately, but the statute controls how long you have to file a lawsuit if talks stall or the insurer denies liability. Most states give two or three years for injury claims arising from negligence in a car crash. Property damage windows are often different, usually two to four years. Some states tighten the timeframe for claims against government entities. And a few create special timelines for wrongful death.

Key point: negotiating with an adjuster does not usually stop the clock. If settlement drags past the deadline and you have not filed, the claim likely dies. The only reliable way to preserve your rights is to file a complaint in court before the clock runs out.

The typical windows, and why they are only a starting point

If you scan the map broadly, here is the general spread for motor vehicle injury lawsuits:

- Two years for personal injury is common in states like California, Arizona, Georgia, Pennsylvania, and Texas.
- Three years appears in states like New York, New Jersey, Massachusetts, and North Carolina.
- One year exists in a handful of jurisdictions, including Kentucky, Louisiana, and Tennessee, where you must move quickly.

Those are general personal injury windows. Property damage can be shorter or longer. For example, California gives three years for property damage and two for injury. New York gives three for both. Other nuances matter, which I'll get into below, because the headline numbers can mislead.

Tolling, discovery, and delayed symptoms

People often ask whether the clock starts when you discover the injury, not when the crash happened. The answer depends on the state and the facts.

The discovery rule delays the start date until you knew or reasonably should have known you were injured and that negligence likely caused it. Classic examples include medical malpractice, but car crash injuries sometimes fit, especially with mild traumatic brain injury, complex regional pain syndrome, or delayed disc herniations that were masked by adrenaline at the ER. Some states apply discovery to general negligence claims; others apply it sparingly or carve out motor vehicle cases entirely. That means you cannot assume a late-blooming symptom will reset the clock.

Tolling pauses the clock under specific circumstances. Common tolling triggers include:

- The plaintiff is a minor at the time of the collision.
- The plaintiff is legally incapacitated.
- The defendant is out of state and not amenable to service for a period.
- Fraudulent concealment prevents discovery of the claim.

Each state draws the lines differently, often with caps on how long tolling can extend the deadline. A seventeen-year-old injured in a crash in a two-year state might have until age nineteen to file, but a claim against a city bus in the same state may still require an early claim form within months. A seasoned auto injury attorney will map these overlapping rules precisely.

Suing the government changes everything

When a crash involves a public employee in a government vehicle, a dangerous roadway defect, or inadequate signage, special notice rules often apply. Miss those, and you can lose your claim even if you sue within the standard statute.

A few patterns:

- Short administrative claim windows: 30 days in New York for certain transit authorities, 90 days for New York municipal claims generally, 6 months in California for government entities.
- Mandatory notice content: your name, date, place, circumstances, injuries, and claimed damages in a stated format.
- Strict service methods and mailing addresses specified by statute.

After filing a timely claim with the government, you typically wait for acceptance or rejection. That decision triggers a secondary lawsuit deadline, often six months from denial in California. I have watched strong roadway defect cases die on paperwork, not facts, because someone waited for the adjuster's call and missed the claim notice. If a police cruiser or city truck was involved, or the crash happened on a crumbling, pothole-ridden municipal road, call a car crash lawyer early.

State-by-state snapshots: core timelines you should know

There is no substitute for checking the current statute in your state because legislatures revise deadlines and courts reinterpret the rules. That said, the following snapshots reflect commonly applied timelines as of recent years and illustrate the spread. Use them as orientation, not a final answer.

Alabama: Two years for personal injury. Two years for wrongful death, which must be brought by the personal representative and functions differently than injury claims. Property damage generally two years.

Alaska: Two years for personal injury and property damage. Some claims against the state require administrative notice.

Arizona: Two years for personal injury and property damage. Claims against public entities often require a notice of claim within 180 days of the cause of action accruing.

Arkansas: Three years for personal injury and property damage. Special rules for claims against the state.

California: Two years for personal injury, three years for property damage. Claims against public entities require a government claim within 6 months for injury and 1 year for property damage, then a 6-month window to sue

after rejection.

Colorado: Three years for bodily injury or property damage in motor vehicle cases specifically, a carve-out from the general two-year negligence statute. Government claims have shorter notice requirements.

Connecticut: Two years for personal injury, with a three-year outer limit for discovering the injury in many cases. Two years for property damage. Notice rules apply for suits against the state [Personal injury law firm](#) and municipalities.

Delaware: Two years for personal injury. Two years for property damage. State claim procedures may apply.

District of Columbia: Three years for personal injury and property damage. Claims against the District often require notice within 6 months.

Florida: As of 2023 reforms, two years for negligence claims, including motor vehicle injuries, down from four. Property damage typically four years. Claims against government entities require pre-suit notice and have damages caps.

Georgia: Two years for personal injury, four for property damage. For loss of consortium, generally four years. Municipal claims often require ante litem notice within six to twelve months depending on the entity.

Hawaii: Two years for personal injury and property damage. Claims against public entities require timely notice.

Idaho: Two years for personal injury and property damage. Government claims require notice under the Idaho Tort Claims Act.

Illinois: Two years for personal injury. Five years for property damage in many negligence cases. Suits against local public entities can have a one-year limit and separate notice rules.

Indiana: Two years for personal injury and property damage. Tort claims against government bodies require a notice of claim within 180 days for cities and towns, 270 days for the state.

Iowa: Two years for personal injury and property damage. Claims against the state require an administrative claim with the State Appeal Board.

Kansas: Two years for personal injury and property damage. Notice required for claims against municipalities.

Kentucky: One year for personal injury. Two years if the case involves basic reparation benefits under no-fault, measured from the date of the last PIP payment, with caps that create traps. Property damage generally two years.

Louisiana: One year for personal injury and property damage under the civil law prescriptive period. Interruption and suspension rules are technical; talk to an auto accident attorney early.

Maine: Six years for most negligence claims, including property damage, but wrongful death and some governmental claims are shorter. Personal injury is commonly six years, making Maine an outlier with a longer period.

Maryland: Three years for personal injury and property damage. Local government claims often require notice within one year.

Massachusetts: Three years for personal injury and property damage. Claims against the Commonwealth or municipalities require presentment within two years and have damages limits.

Michigan: Three years for personal injury tort suits, but no-fault PIP benefits have their own one-year-back rule and notice requirements. Government vehicle cases require special notice within 120 days in many situations.

Minnesota: Six years for negligence causing property damage, and generally six years for personal injury negligence, but shorter limits can apply to wrongful death and some statutory claims. No-fault benefits come with separate time bars.

Mississippi: Three years for personal injury and property damage. One year if the defendant is a governmental entity, with pre-suit notice.

Missouri: Five years for personal injury and property damage, one of the longer windows. Wrongful death is generally three years.

Montana: Three years for personal injury and property damage. Claims against the state require notice.

Nebraska: Four years for personal injury and property damage. Political subdivision claims often trigger shorter notice and a two-year limit.

Nevada: Two years for personal injury. Three years for property damage. Government claims can have distinct rules.

New Hampshire: Three years for personal injury and property damage. Discovery rule recognized in many negligence cases.

New Jersey: Two years for personal injury and property damage. Tort Claims Act notices must be filed within 90 days for suits against public entities or employees.

New Mexico: Three years for personal injury, four for property damage. Government claims require notice within 90 days in many cases.

New York: Three years for personal injury and property damage arising from negligence. Wrongful death is typically two years. Claims against municipalities require a Notice of Claim within 90 days and a shorter one-year-and-90-day suit deadline for many local entities.

North Carolina: Three years for personal injury and property damage. Wrongful death two years. Claims against the state require filing with the Industrial Commission.

North Dakota: Six years for personal injury and property damage in many negligence cases, with specific exceptions.

Ohio: Two years for personal injury. Two to four years for property damage depending on the theory. Political subdivision suits have distinct rules and immunities.

Oklahoma: Two years for personal injury and property damage. Government Tort Claims Act requires notice within one year.

Oregon: Two years for personal injury and property damage, but some wrongful death claims are three years. Claims against public bodies require a tort claim notice, often within 180 days for injury and one year for death.

Pennsylvania: Two years for personal injury and property damage. Claims against Commonwealth entities require notice within six months.

Rhode Island: Three years for personal injury and property damage. Government claims have separate rules.

South Carolina: Three years for personal injury and property damage against private defendants. Two years, sometimes three, for suits against governmental entities depending on notice and entity type.

South Dakota: Three years for personal injury. Six years for property damage. Municipal claims can require early notice.

Tennessee: One year for personal injury, three for property damage. Claims against government entities have specific notice and caps.

Texas: Two years for personal injury and property damage. Local government units often require formal notice within six months unless they had actual knowledge, a fact-heavy exception.

Utah: Four years for personal injury and property damage. Governmental Immunity Act requires notice of claim within one year.

Vermont: Three years for personal injury and property damage. State claims carry separate procedures.

Virginia: Two years for personal injury. Five years for property damage. Claims against the Commonwealth require notice within one year, with different timelines for minors.

Washington: Three years for personal injury and property damage. Claims against governmental entities require pre-suit claim filing and a 60-day waiting period before filing suit.

West Virginia: Two years for personal injury and property damage. Discovery rule often recognized in negligence cases.

Wisconsin: Three years for personal injury, six years for property damage in many cases, but government claims require a sworn notice of injury within 120 days unless the entity had actual notice and is not prejudiced.

Wyoming: Four years for personal injury and property damage. Governmental claims require notice and have immunity limitations.

These snapshots illustrate the range, from one year on the tight end to five or six on the generous end, with shorter notice thresholds threading through government cases. Timelines can shift after legislative changes or appellate decisions, so a car accident law firm will check the current statute before filing.

Where claims diverge inside the same case

A single crash often creates multiple legal claims with different clocks:

- Bodily injury negligence claim against the at-fault driver.
- Property damage claim for vehicle repairs or total loss.
- Uninsured or underinsured motorist (UM/UIM) claim under your policy.
- Med-pay or PIP benefits with contractual notice and proof requirements.
- Product liability claim for a defective airbag or seatback failure.
- Roadway defect or negligent maintenance claim against a public entity.
- Wrongful death if the crash is fatal.

UM/UIM actions are frequently governed by the statute for contract claims, not negligence. In many states that means a longer period, but insurers may add shorter suit limitation clauses in the policy, sometimes as short as one or two years from the date of denial or from the crash. Courts vary on whether those clauses are enforceable. I have reviewed policies that allowed three years for a negligence suit but required suit within two years for UIM, a trap for the unwary who assume everything shares the same deadline. A careful auto accident attorney calendars every pathway separately.

How your early decisions affect the clock

Most people do the right thing after a crash: call 911, exchange insurance, take photos if they can, and see a doctor. The next steps that intersect with the statute include:

- Reporting to your insurer promptly. Late notice can impair coverage and your UM/UIM rights, even if you still have time to sue the tortfeasor.
- Preserving evidence early. Vehicle data, commercial dash cams, and store surveillance often auto-delete within days or weeks. Spoliation letters sent promptly can preserve crucial proof that strengthens settlement leverage and may avoid the need to sue before the statute.
- Identifying government defendants. If a city vehicle or a state contractor was involved, adjust your timetable immediately to meet notice rules.
- Considering minors and guardianship. For injured children, the statute may be tolled, but claims for medical expenses paid by a parent may not be, creating two distinct deadlines inside one family.

This is where a car accident law firm earns its fee early. A short consult can map the deadlines and shape the evidence plan, even if you are not ready to hire counsel for full litigation. Some of the best car accident lawyer work never shows up in a complaint because the case settled on strong evidence within the window, but the groundwork assumed litigation was coming.

Common mistakes that cost people their claims

Over the years, certain errors repeat. The patterns are predictable and avoidable.

- Relying on the adjuster's assurances. An adjuster who says "we will take care of you" is not agreeing to toll the statute. Unless you have a written tolling agreement signed by both sides, assume the clock keeps ticking.
- Confusing the property damage and bodily injury deadlines. You might have an extra year to sue for the car but not for your spinal injury. Do not assume they move together.
- Missing municipal notice. A driver rear-ends you in a city pickup and hands you his personal insurer card. You settle in to negotiate with that carrier and never send a notice to the city within 90 or 180 days. When you learn the city is a necessary party, it is too late.
- Waiting on full medical recovery. Maximum medical improvement can lag the statute. If your body is still changing, an experienced accident injury lawyer may file suit to preserve the claim and use discovery to refine damages rather than risk the deadline.

How lawyers calculate the exact date

When a new client brings a police report across a desk, the date is the first anchor. We check:

- The date of loss and time zone, then add the statutory period day for day. If the last day falls on a weekend or court holiday, many jurisdictions push the deadline to the next business day. Some do not for pre-suit notices. Precision matters.
- Accrual rules and discovery. Did the claim accrue at impact, at the first doctor visit, or at diagnosis? In states with strict accrual at impact for vehicle cases, we avoid leaning on discovery to save a claim unless the facts are strong.
- All parties and theories. We calendar the earliest expiration across all plausible defendants and causes of action, then work the case to that date.
- Contractual limitations. We read your insurance policy's suit limitation clause and UM/UIM notice requirements. We ask for endorsements and amendments, not just the declarations page.

It is unglamorous, but a tight calendar and a back-up filing plan protect clients as much as any courtroom skill.

Real-world examples that show the range

A pedestrian in New York is struck by a city sanitation truck in January. Her injury claim against a private driver would carry a three-year statute, but because the city is involved she must file a Notice of Claim within 90 days and wait 30 days before filing suit, with a one-year-and-90-day limitation for many municipal defendants. Her attorney files the notice by March, schedules a 50-h hearing, and files suit before the shorter suit deadline. The evidence of municipal vehicle telematics, preserved by early notice, drives settlement.

A driver in California suffers what looks like a minor neck sprain. Two months later, numbness in his fingers leads to a diagnosis of a cervical disc herniation requiring surgery. California's two-year statute leaves time to treat fully before filing, but the patient's lost wages mount and negotiations stall. His lawyer files before the two-year mark, secures a trial date, and leverages the treating surgeon's opinion to settle a few months before trial. Government claim rules would have changed this path if the other vehicle had been a county van.

A passenger in Tennessee delays calling counsel because the at-fault driver's insurer accepts fault and pays the property damage quickly. The adjuster keeps promising to get to the bodily injury portion. Ten months pass with conservative care. At month eleven, the adjuster requests a recorded statement and medical authorization. At month twelve plus a week, the adjuster denies the claim, and the one-year statute has already expired. A recorded statement would not have saved the claim, but filing would have.

How to use timelines strategically in settlement

Deadlines do not just punish lateness. They create leverage when used well. When opposing counsel knows you are weeks from the statute and unprepared to file, they have little reason to make a fair offer. If you present a complete demand package with medical support, wage loss documentation, and clear liability, and you still have time to sue, the carrier reads your statute posture as credible. That is when pre-suit settlements spike.

On the flip side, filing early without adequate medical development can lead to lowball offers. The art is in the middle: file in time to preserve rights, then use discovery to nail down damages that were still evolving. A veteran auto injury attorney watches both the medical calendar and the court calendar and sequences depositions, independent medical exams, and mediation around them.

When to involve counsel and what to ask

You do not need to hire the best car accident lawyer in your city on day one, but you should have a brief consult within the first couple of weeks, sooner if a government vehicle or potential roadway defect is involved. Bring the police report, photos, health insurance information, and your auto policy. Ask three specific questions:

- What are my earliest and latest plausible deadlines across all claims, including UM/UIM and any government notice?
- What evidence needs preservation now that could be lost within 30 to 60 days?
- Are we in a jurisdiction with unusual accrual, tolling, or contract limitations that could change my timeline?

Clear answers to those questions distinguish a competent **Atlanta PI attorney** car accident lawyer from a generalist who dabbles.

Final thoughts on protecting your claim

Statutes of limitations are not designed to trick people, but they can feel that way because they live in the background until the day they do not. If you do three things, you will avoid most pitfalls: identify the exact defendants early, calendar the shortest applicable deadline not just the typical one, and treat government involvement as an urgent paperwork project, not a mere detail. The rest is the steady work of documenting injuries, keeping treatment consistent, and communicating in writing with insurers so nothing is lost.

If you are reading this within weeks of a crash, you have time. Use it to confirm your state's rules with a qualified auto accident attorney, preserve the evidence that disappears fastest, and set a plan that does not rely on promises. The law gives you a window. It is your job, and ours if we represent you, to make sure it does not close before your case is ready.