

Statutes of Limitation Table

This table lists sample statutes of limitation that apply to actions that might be filed in small claims court. The date a limitation period commences running varies by statute.

Nature of Substantive Claim	Limitation Period
Assault, battery [CCP §335.1]	2 years
Attorney professional negligence, other than actual fraud [CCP §340.6]	1 year from discovery or 4 years from wrongful act or omission, whichever occurs first
Book account, account stated account, or balance due account [CCP §337(2)]	4 years
Contracts, verbal [CCP §339(1)]	2 years from breach
Contracts, written [CCP §337(1)]	4 years from breach
Dishonored draft [Com C §3118(c)]	3 years from dishonor or 10 years after date of draft, whichever occurs first
Domestic violence [CCP §340.15]	3 years from last act or discovery, whichever is later
False imprisonment [CCP §340(c)]	1 year
Fraud or mistake [CCP §338(d)]	3 years from discovery
Health care professional negligence [CCP §340.5]	1 year from discovery or 3 years from injury, whichever occurs first
Liability created by statute [CCP §338(a)]	3 years
Libel, slander [CCP §340(c)]	1 year
Limitation period not otherwise specified [CCP §343]	4 years from accrual of action
Mechanic's lien on real property [CC §3144(a)]	90 days after lien recorded
Penalty, action under statute imposing [CCP §340(a)]	1 year
Personal injury to or death of individual caused by wrongful act or neglect [CCP §335.1]	2 years
Personal property, injury to [CCP §338(c)]	3 years
Promissory note [Com C §3118(a)–(b)]	6 years from due date or, if payable on demand, 6 years from demand date
Public entity, claim against [CCP §342; GC §§911.2(a), 945.6(a) (file claim with entity within 6 months or one year after accrual)]	6 months from written denial by entity, or 2 years from accrual of action if no written denial
Rescission of oral contract [CCP §339(3)]	2 years
Rescission of written contract [CCP §337(3)]	4 years
Theft or conversion [CCP §338(c)]	3 years
Trees, injuries to [CC §3346(c)]	5 years from trespass
Trespass on or injury to real property [CCP §338(b)]	3 years

Period Suspended, Waived, or Tolled

The statute of limitation may be suspended, e.g., by minority, insanity, imprisonment, absence from state, or absence in times of war. [See, e.g., CCP §§351, 352, 352.1, 354.] A limitation period also may be waived by a signed agreement [CCP §360.5 (successive waivers allowed every four years)], tolled, or in effect suspended, by an agreement [Don Johnson Productions, Inc. v Rysher Entertainment (2012) 209 CA4th 919, 928–930], or may be equitably tolled when the defendant's conduct contributed to the plaintiff's delay in filing suit.

[Bollinger v National Fire Ins. Co. (1944) 25 C2d 399, 411.] Tolling under CCP §351 for absence from the state does not apply to claims arising from motor vehicle accidents involving nonresident motorists.

[Litwin v Estate of Formela (2010) 186 CA4th 607, 616–617.]