



National Legal Research Group, Inc.

## ILLINOIS STATUTES OF LIMITATIONS

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# ILLINOIS STATUTES OF LIMITATIONS

The following is an alphabetical listing of Illinois statutes of limitations arranged by area of law. Only those statutes that establish a time period are included. Statutes that establish general rules for the application and interpretation of statutes of limitations have been omitted. No attempt has been made to systematically include tolling periods or rules, administrative or regulatory time limits, or appeals periods. The information presented here is intended for use as a quick reference. The applicability of each limitations period will need to be determined on a case-by-case basis through examination of the entire statute and relevant case law.

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is offered with the understanding that the publisher is not engaged in rendering legal services. If legal advice is required, the services of a competent attorney should be sought. (From a Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>ABUSE OF PROCESS</b>	2 years	735 ILCS 5/13-202
<b>ACCOUNTING</b>		
Action based on violation of the Illinois Public Accounting Act	2 years from date of violation or date plaintiff knew or should have known of violation, but no more than 5 years from date of injury	735 ILCS 5/13-214.2
<b>ACCOUNTS</b> [See also U.C.C.]		
Actions on open accounts for services	5 years	735 ILCS 5/13-205
Actions on open accounts for sales	4 years	810 ILCS 5/2-725
<b>ADMINISTRATIVE LAW</b> [See also UNEMPLOYMENT COMPENSATION]		
Rule challenge	2 years from the effective date the rule	5 ILCS 100/5-35
Action to review final administrative decision	Appeal filed within 35 days	735 ILCS 5/3-103
<b>ADOPTION</b>		
Action to set aside waiver	12 months from date of waiver	750 ILCS 50/11
Action to set aside consent	12 months from date of consent	750 ILCS 50/11
<b>ADVERSE POSSESSION</b> [See also REAL PROPERTY]		
For vacant land on which taxes are being paid	7 years after paying taxes continually on the land	735 ILCS 5/13-110
Without color of title	20 years	735 ILCS 5/13-101
With record title	7 years	735 ILCS 5/13-107
With color of title and payment of all taxes on the property	7 years	735 ILCS 5/13-109

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>AGRICULTURE</b>		
Illegal purchase of wild plants	6 months	720 ILCS 400/2
Claim alleging contract in violation of the agricultural Production Contract Code	4 years after the party claiming the violation knew or should have known of the violation	505 ILCS 17/55
<b>ALCOHOLIC BEVERAGES</b>		
Civil action for service of alcohol to minors	2 years	740 ILCS 58/5
<b>ANIMAL CRUELTY</b>		
Civil action for animal cruelty	2 years	510 ILCS 70/16.3
Criminal action for animal cruelty [See CRIMES]		
<b>ANTITRUST</b>		
Civil action for antitrust violation	4 years	740 ILCS 10/7
Criminal action for antitrust violation [See CRIMES]		
<b>ARBITRATION AWARDS</b>		
	5 years	735 ILCS 5/13-205
<b>BANKING</b>		
Action to enforce an obligation, duty or right arising under Article 4, entitled "Bank Deposits and Collections"	3 years after the cause of action accrues	810 ILCS 5/4-111
Negotiable instruments		
-action to enforce the obligation of a party to a certificate of deposit to pay the instrument	must be commenced within 6 years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the 6-year period begins when a demand for payment is in effect and the due date has passed	810 ILCS 5/3-118(e)
-action to enforce the obligation of a party to an unaccepted draft to pay the draft	must be commenced within 3 years after dishonor of the draft or 10 years after the date of the draft, whichever period expires first	810 ILCS 5/3-118(c)
-action to enforce the obligation of a party to pay an accepted draft, other than a certified check	(i) within 6 years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time, or (ii) within 6 years after the date of the acceptance if the obligation of the acceptor is payable on demand.	810 ILCS 5/3-118(f)
-action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check	commenced within 3 years after demand for payment is made to the acceptor or issuer, as the case may be.	810 ILCS 5/3-118(d)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>BONDS</b>		
Generally	10 years	735 ILCS 5/13-206
Sheriff's bonds	3 years	735 ILCS 5/19-115
<b>CIVIL ACTIONS</b>		
	5 years for all civil actions not otherwise provided for	735 ILCS 5/13-205
<b>CONSTRUCTION</b>		
Construction actions arising out of design, planning, supervision, observation, or management	4 years from the date person knew or should have known of defect	735 ILCS 5/13-214
<b>CONSORTIUM</b>		
	The same limitations as the personal injury action filed in conjunction with the claim	735 ILCS 5/13-203
<b>CONSUMER PROTECTION</b>		
Claim arising out of the Consumer Fraud and Deceptive Business Practices Act	3 years after the cause of action accrued; provided that, whenever any action is brought by the Attorney General or a State's Attorney for a violation of this Act, the running of the foregoing statute of limitations, with respect to every private right of action for damages which is based in whole or in part on any matter complained of in said action by the Attorney General or State's Attorney, shall be suspended during the pendency thereof, and for one year thereafter	815 ILCS 505/10a
Recovery of payday loans	action may not be filed until 28 days after default date of loan, and if repayment plan is negotiated, no default will be found	815 ILCS 122/2-45
<b>CONTRACTS</b>		
Written contracts	10 years	735 ILCS 5/13-206
Unwritten contracts	5 years	735 ILCS 5/13-205
<b>CONVERSION</b>		
Common-law conversion action	5 years	735 ILCS 5/13-205
Conversion of negotiable instruments [See also BANKING]	3 years	810 ILCS 5/3-118
<b>CORPORATIONS</b>		
Claims against a dissolved corporation	5 years	805 ILCS 5/12.80
Known claims against dissolved limited liability company	90 days from notice of dissolution	805 ILCS 180/25-45
Unknown claims against a dissolved LLC	5 years from publication of notice of dissolution	805 ILCS 180/25-50
Tax recovery action against corporation	7 years from filing of annual tax report	805 ILCS 5/15.90

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>CREDITORS</b>		
Claims alleging a violation of the Collection Agency Act	5 years after the occurrence of the alleged violation	225 ILCS 425/9.5
Creditors claims against an estate, dissolved corporation, limited liability company, or partnership [See CORPORATIONS, PARTNERSHIPS, WILLS AND ESTATES]		
<b>CRIMES</b>		
All offenses with limitation unless otherwise provided for	3 years	720 ILCS 5/3-5
All offenses without limitation		
–Child pornography under (1) 11-20.1B(a), or (2) any offense involving sexual conduct or sexual penetration, as defined by Criminal Code 11-0. 1 in which DNA profile of offender is obtained and entered into a DNA database within 10 years after the commission of the offense	no limitation	720 ILCS 5/3-5
–Concealment of homicidal death, treason, arson, aggravated arson, forgery, child pornography under of Section 11-20.1(a)	no limitation	720 ILCS 5/3-5
–Failure to give information and render aid under Illinois Vehicle Code 11-403	no limitation	720 ILCS 5/3-5
–Leaving the scene of an accident involving death	no limitation	720 ILCS 5/3-5
–Murder, manslaughter, reckless homicide	no limitation	720 ILCS 5/3-5
<b>DEFAMATION</b>	1 year	735 ILCS 5/13-201
<b>DISCRIMINATION</b>	2 years	735 ILCS 5/13-202
<b>EXCEPTIONS TO LIMITATIONS</b>		
Death of party entitled to commence an action	action may be commenced by his or her representative before the expiration of the time limited or within one year from his or her death, whichever date is the later	735 ILCS 5/13-209
Death of party against whom an action may be brought	action may be commenced against his or her personal representative after the expiration of the time limited and within 6 months after the person's death	735 ILCS 5/13-209
Minors or persons under legal disability	if person entitled to bring an action specified in sections 13-201 through 13-210 of the Civil Procedures Act at the time the cause of action accrued, is under the age 18 years, or under a legal disability, then action may be brought within 2 years after the person attains the age of 18 years or the disability is removed	735 ILCS 5/13-211
Out of state	tolls the limitation for the period the individual is out of the State and not subject to the jurisdiction of the court	735 ILCS 5/13-208

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>FALSE IMPRISONMENT</b> [See PERSONAL INJURY]		
<b>FORFEITURE</b>		
Civil action contesting forfeiture pursuant to Drug Asset Forfeiture Procedure Act	5 years after the last conduct giving rise to forfeiture became known or should have become known or 5 years after the forfeitable property is discovered, whichever is later	725 ILCS 150/9
<b>FINE ART</b>		
Violation of the Fine Prints Disclosure Act	1 year from date of discovery or date the violation should have been discovered but no more than 3 years from date print purchased	815 ILCS 345/8
<b>EMPLOYMENT</b>		
Actions brought under Illinois Wage Payment and Collection Act	10 years	735 ILCS 5/13-206
<b>FORECLOSURE</b>	10 years	735 ILCS 5/13-115
<b>FRAUD</b>		
Fraudulent concealment	5 years from date of fraud	735 ILCS 5/13-215
<b>INDEMNITY</b>		
Action seeking indemnity for contribution that did not arise out of litigation	2 years from the date the party seeking contribution or indemnity made payment	735 ILCS 5/13-204
Action seeking indemnity for contribution that arose out of litigation	2 years after the party seeking contribution or indemnity has been served with process in the underlying action or more than 2 years from the time the party, or his or her privy, knew or should reasonably have known of an act or omission giving rise to the action for contribution or indemnity, whichever period expires later	735 ILCS 5/13-204
<b>INSURANCE</b>		
Action against an insurance provider concerning the sale, placement, procurement, renewal, cancellation of, or failure to procure any policy of insurance	2 years	735 ILCS 5/13-214.4
<b>JUDGMENTS</b>		
Generally	7 years, but renewable	735 ILCS 5/12-108
Child support judgments	no limitation	735 ILCS 5/12-108
<b>LIBEL</b> [See DEFAMATION]		
<b>MALICIOUS PROSECUTION</b> [See ABUSE OF PROCESS]		

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>MALPRACTICE</b>		
Accounting	2 years from date of violation or date plaintiff knew or should have known of violation, but no more than 5 years from date of injury	735 ILCS 5/13-214.2
Attorney	2 years from date of malpractice or date plaintiff knew or should have known of malpractice, but not more than 6 years from date of malpractice	735 ILCS 5/13-214.3
Dentistry	3 years from date of complaint	225 ILCS 25/23
Medical	2 years from date the plaintiff knew or should have known of the injury, but no more than 4 years from date of injury; however, if plaintiff is under the age of 18 at time of injury, the limitation period is 8 years from date the plaintiff knew or should have known of the injury, but no cause of action may be brought after the child's 22nd birthday	735 ILCS 5/13-212
<b>MENTAL HEALTH</b> [See PERSONAL INJURY]		
Action alleging a violation of the Sexual Exploitation in Psychotherapy, Professional Health Services, and Professional Mental Health Services Act	2 years	740 ILCS 140/6
<b>PARTNERSHIPS</b>		
Dissolved partnerships		
-Known claims against a dissolved partnership	120 days after receipt of notice	805 ILCS 215/806
-Unknown claims against a dissolved partnership	5 years after published notification	805 ILCS 215/806
<b>PERSONAL INJURY</b> [See also PRODUCTS LIABILITY]		
Medical malpractice	2 years from date the plaintiff knew or should have known of the injury but no more than 4 years from date of injury; however, if plaintiff is under the age of 18 at time of injury, the limitation period is 8 years from date the plaintiff knew or should have known of the injury, but no cause of action may be brought after the child's 22nd birthday	735 ILCS 5/13-212
Civil actions arising out of criminal acts		
—Action based on commission of a Class X or first-degree murder	10 years	735 ILCS 5/13-214.1
—Action arising out of the Predator Accountability Act	10 years from sex trade act	735 ILCS 5/13-225

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
PERSONAL INJURY [Continued]		
—Action for damages based on personal injury not involving criminal first-degree murder or Class X felony	2 years	735 ILCS 5/13-202
—Statutory penalty or personal injury action alleging childhood sexual abuse	20 years from date of abuse or date abuse was, or should have been, reasonably discovered	735 ILCS 5/13-202.2
—Statutory penalty or personal injury action based on first degree murder	no limitation	735 ILCS 5/13-202.1
<b>PRODUCTS LIABILITY</b>		
	12 years from the date of first sale, lease, or delivery of possession by a seller or 10 years from the date of first sale, lease, or delivery of possession to its initial user, consumer, or other nonseller, whichever period expires earlier, of any product unit that is claimed to have injured or damaged the plaintiff, unless the defendant expressly has warranted or promised the product for a longer period and the action is brought within that period	735 ILCS 5/13-213
<b>PUBLIC UTILITIES</b>		
Claim for overpayment of fees	2 years from date service provided	220 ILCS 5/9-252
Violation of the Illinois Underground Utility Facilities Damage Prevention Act	2 years from date of violation	220 ILCS 50/12
Claim for compensation of a loss caused by the release, in Illinois, of radioactivity from the regional disposal facility	5 years from the date of the discovery of the damage or loss	420 ILCS 20/15
<b>REAL PROPERTY</b>		
Action brought alleging breach of condition subsequent in contract for real property	7 years	735 ILCS 5/13-102
Adverse possession [See ADVERSE POSSESSION]		
Construction actions arising out of design, planning, supervision, observation or management [See CONSTRUCTION]		
Exceptions to Statute of Limitations	If, at the time when such right of entry or of action upon or for lands first accrues, the person entitled to such entry or action is a minor, or person under legal disability, imprisoned or absent from the United States in the service of the United States or of this State, such person or any one claiming from, by or under him or her, may make the entry or bring the action at any time within 2 years after such disability is removed, notwithstanding the time before limited in that behalf has expired.	735 ILCS 5/13-112

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>REAL PROPERTY (CONTINUED)</b>		
Enforcement of liens against the property	30 years, but renewable for an additional 10 years if conditions are met	735 ILCS 5/13-116
Foreclosure [See FORECLOSURE]		
Home Inspector actions	5 years	225 ILCS 441/15-30
Injury done to property	5 years	735 ILCS 5/13-205
Leases		
—Written	10 years	735 ILCS 5/13-206
—Unwritten	5 years	735 ILCS 5/13-205
Violations of Illinois Real Estate Timeshare Act of 1999	5 years	735 ILCS 101-15/85
<b>PROMISSORY NOTES</b>	10 years	735 ILCS 5/13-206
<b>RAILROAD ACTIONS</b>	3 years	735 ILCS 5/13-219
<b>REAL ESTATE BROKERS/APPRAISERS</b>		
Action for damages arising out of the Real Estate License Act of 2000	2 years from date of violation or date plaintiff knew or should have known of the violation but no more than 5 years from date of violation	225 ILCS 454/15-70
Disciplinary action for real estate appraiser	must be commenced within 5 years after the occurrence of the alleged violation or within 2 years after final disposition of any judicial proceeding, including any appeals, in which the appraiser provided testimony related to the assignment, whichever period expires last.	225 ILCS 458/15-30
<b>ROADWAYS</b>		
Personal injury action against county engineer or superintendent of highways	1 year	745 ILCS 15/2

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>SECURITIES</b> [See also CRIMES]		
Civil claim for a violation of the Illinois Securities Law of 1953	3 years from the date of sale provided that if the party bringing the action neither knew nor in the exercise of reasonable diligence should have known of any alleged violation of subsections E, F, G, H, I, or J of Section 12 of this Act which is the basis for the action, the 3-year period provided herein shall begin to run upon the earlier of (1) the date upon which the party bringing the action has actual knowledge of the alleged violation of this Act; or (2) the date upon which the party bringing the action has notice of facts which in the exercise of reasonable diligence would lead to actual knowledge of the alleged violation of this Act; but in no event shall the period of limitation so extended be more than 2 years beyond the expiration of the 3 year period otherwise applicable	815 ILCS 5/13
Criminal prosecution for a violation of the Illinois Securities Law of 1953	3 years after the violation upon which such prosecution is based provided, however, that if the accused has intentionally concealed evidence of a violation of subsections E, F, G, H, I, J, or K of Section 12 of this Act, the period of limitation prescribed herein shall be extended up to an additional 2 years after the proper prosecuting officer becomes aware of the offense but in no such event shall the period of limitation so extended be more than 2 years beyond the expiration of the period otherwise applicable	815 ILCS 5/14
<b>SECURITY</b>		
Claim alleging violation of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004	5 years	225 ILCS 447/40-50
<b>SERVICE LIENS</b>	1 year from date of service if lien is properly filed	770 ILCS 45/1; 770 ILCS 45/2
<b>SLANDER</b> [See DEFAMATION]		

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>STATE GOVERNMENT</b>		
Actions against public officers and employees		
—Action against public officers and employees based in tort or contract	2 years from date of injury or date plaintiff knew or should have known of injury, but no more than 6 years from date of injury	745 ILCS 10/8-101
—All other actions against public officers and employees	1 year	745 ILCS 10/8-101
All claims against the State not expressly accounted for in statute	2 years	705 ILCS 505/22
Action alleging public contractor misconduct	6 years after the date of the contract or the date upon which the State discovered the misconduct, whichever is later	720 ILCS 5/33-7
Claims against State arising out of contract	5 years	745 ILCS 505/22
Claims against State by vendors of goods or services under Illinois Public Aid Code	1 year	705 ILCS 505/22
<b>SURVEYOR ACTIONS</b>	4 years after person knew or should have known of negligence	735 ILCS 5/13-222
<b>TAXES</b>		
Violation of the Retailers' Occupation Tax Act	6 years	35 ILCS 120/5
Claim for refund of the service occupation tax	3 years from January 1 or July 1 claim was due	35 ILCS 115/19
Claim for refund of inheritance or transfer tax	within 1 year after the last date allowable by the I.R.S. for filing a claim for refund	35 ILCS 405/14
Collection of delinquent real estate taxes	20 years from date of delinquency	35 ILCS 200/20-190
Collection of delinquent special assessment	30 years from date of delinquency	35 ILCS 200/20-190
Collection of unpaid income tax owed	4 years from the end of the calendar year at during which tax return was filed	50 ILCS 45/30
Taxpayer's claim for refund	must be filed within 5 years from date the right to a refund arose	35 ILCS 200/20-175
<b>TRADE SECRETS</b>	5 years from date misappropriation was or should have been discovered	765 ILCS 1065/7
<b>U.C.C.</b>		
Breach of contract for sale	4 years, but contract may limit time period to not less than 1 year	810 ILCS 5/2-725

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>UNEMPLOYMENT COMPENSATION</b>		
Action for review of administrative decision	must be filed within 35 days of when decision was served	735 ILCS 5/3-103
Recovery of unpaid unemployment insurance from an employer	4 years from date of contributions	820 ILCS 405/2207
<b>WHISTLEBLOWER ACTION</b>		
	3 years from date of violation or date violation should have been known of, but not more than 10 years from date of violation	740 ILCS 175/5
<b>WILLS AND ESTATES</b>		
Action to enforce a will	2 years after the death of the deceased person unless letters of office are applied for on his or her estate within 2 years after his or her death and the representative has complied with the provisions of Section 18-3 of the Probate Act of 1975 as amended, in regard to the giving of notice to creditors, in which case the action shall be commenced within and not after the time for presenting a claim against the estate of a deceased person as provided in the Probate Act of 1975, as amended	735 ILCS 5/13-221
Claim against the estate by an unknown creditor	6 months after publication of notice	755 ILCS 5/18-3
Claim against the estate by an known creditor	3 months after receipt of notice from the personal representative	755 ILCS 5/18-3
<b>WORKERS' COMPENSATION</b>		
Action alleging entitlement to compensation not based on an injury caused by exposure to radiological materials or equipment or asbestos	3 years from date of accident if no compensation has been paid or, if compensation has been paid, within 2 years from the date compensation was paid	820 ILCS 305/6