



National Legal Research Group, Inc.

TENNESSEE STATUTES OF LIMITATIONS

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TENNESSEE STATUTES OF LIMITATIONS

The following is an alphabetical listing of Tennessee 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
ACCOUNTS		
Open accounts [See <i>also</i> CREDITORS]	6 years	28-3-109
ADMINISTRATIVE		
Review of an agency decision	60 days after entry of judgment or order	27-9-102
ADVERSE POSSESSION		
With color of title that has been recorded for 30 years	7 years	28-2-101
Without color of title that has been recorded for 30 years	20 years	<i>Wilson v. Price</i> , 195 S.W.3d 661, 66667 (Tenn. Ct. App. 2005)
BANKING		
Demand Notes	6 years	28-3-109
Negotiable Instruments		
—Action on note payable at a definite time	6 years after the due date of the accelerated due date	47-3-118(a)
—Action on note payable on demand	6 years after demand or, if no demand, 10 years after neither principal nor interest has been paid on the note	47-3-118(b)
—Action to enforce obligation of a party to an unaccepted draft to pay the draft	3 years after dishonoring draft or 10 years after the date of the draft, whichever period expires first	47-3-118(c)
—Action to enforce the obligation of the acceptor of a certified check or the issue of a teller's check, cashier's check, or traveler's check	within 3 years after demand for payment is made to the acceptor or issuer	47-3-118(d)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
BANKING (CONTINUED)		
—Action to enforce the obligation of a party to a certificate of deposit to pay the instrument	within 6 years after demand for payment, 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	47-3-118(e)
—Action to enforce the obligation of a party to pay an accepted draft, other than a certified check	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 within 6 years after the date of the acceptance if the obligation of the acceptor is payable on demand	47-3-118(f)
—Action for conversion or breach of warranty, or to enforce obligation, duty, or right arising out of a negotiable instrument	3 years	47-3-118(g)
Action for missing or incorrectly credited deposit or payment	1 year from date the statement or items are made available to customer through a statement	47-4-406
Action against the bank based on an unauthorized signature by a wrongdoer	1 year from date such items or statement evidencing such items are made available to customer	47-4-406
BONDS		
Actions against guardians, executors, administrators, sheriffs, clerks, and other public officers on their bonds	10 years	28-3-109
Municipal bonds	15 years	28-3-113
CATCHALL PROVISION FOR CASES WITHOUT AN EXPRESS LIMITATION	10 years if not otherwise provided for by law	28-3-110
CIVIL RIGHTS		
Actions brought under federal civil rights statute for compensatory or punitive damages	1 year	28-3-104
Actions brought under the Tennessee Handicap Act	1 year from date of alleged discrimination	8-50-103; 4-21-311
Actions brought under the Tennessee Human Rights Act	1 year from date of alleged discrimination	4-21-311
COMMON CARRIERS		
Actions arising out of violations of the public utilities and carriers act	1 year after offense was committed	65-3-122

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
CONSUMER PROTECTION		
Violations of the Consumer Protection Act	1 year from a person's discovery of the unlawful act or practice, but in no event shall an action under §47-18-109 be brought more than 5 years after the date of the consumer transaction giving rise to the claim for relief	47-18-110
Violations of the foreign food disclosure requirements within the Consumer Protection Act	1 year from discovery of the alleged sale of an improperly marked article	47-18-1808
CONTRACTS		
Actions on contracts not otherwise provided for	6 years	28-3-109
Contracts for sale	4 years after breach occurs regardless of knowledge of breach; agreement may provide otherwise, but not less than 1 year	47-2-725
CONVERSION		
Action for conversion arising out of a negotiable instrument [See BANKING]		
Actions for the detention or conversion of personal property	3 years following the injury or 3 years following the date the injury was, or reasonably should have been discovered	28-3-104; see <i>Wyatt v. A-Best Co.</i> , 910 S.W.2d 851, 857 (Tenn. 1995)
CORPORATIONS		
Actions against directors or officers for breach of fiduciary duty or violations of Title 48	1 year from date of breach or violation or 1 year from date the breach was discovered or reasonably should have been discovered; however, in no event shall an action be brought more than 3 years after the date on which the breach or violation occurred	48-58-601
Claims against a dissolved corporation	within 1 year after articles of dissolution have been filed or a dissolution order has been entered; a good-faith exception exists in certain circumstances	43-38-1027
CREDITORS		
Actions against sureties of any collecting officer, for failing to pay over money collected, when the collecting officer has made return of an execution or other process that the money is made or the process is satisfied	within 3 years from the return of process	28-3-108
Action on a claim for usury	2 years from the date of the payment of the debt upon which the usury shall be based	28-3-107; 47-14- 118
Demand notes [See BANKING]		

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
CREDITORS (CONTINUED)		
Open accounts between nonmerchant and merchant	6 years	28-3-109
Title pledge lender actions seeking damages based on title pledge loan	if lender is licensed pursuant to the Banks and Financial Institutions Act, 1 year after the alleged date of violation of the Act	45-15-104
Violations of the Consumer Protection Act [See CONSUMER PROTECTION]		
CRIMES		
Civil actions based on criminal activity		
—Action seeking money damages for commission of crime to be paid from the Victim's Compensation Fund	victim must bring a civil action within 3 years from date of crime	29-13-403; 29-13-404
—Action seeking money damages for injuries caused by drug-dealing activities pursuant to the Drug Dealer Liability Act	2 years	29-38-115
Felonies		
—Arson	8 years	40-2-101
—Felonies punishable by life imprisonment or death	no limitation	40-2-101
—Class A felonies	15 years	40-2-101(b)(1)
—Class B felonies	8 years	40-2-101(b)(2)
—Class C or D felonies	4 years	40-2-101(b)(3)
—Class E felonies	2 years	40-2-101(b)(4)
—Certain enumerated child sexual offenses occurring between July 1, 1997 and June 30, 2006 that do not carry a sentencing exposure of life imprisonment	within 4 years after commission of the offense or no later than the date child reaches majority, whichever is later	40-2-101(e)
—Certain enumerated child sexual offenses occurring after June 30, 2006 that do not carry a sentencing exposure of life imprisonment	within 25 years after the child reaches 18 years of age	40-2-101(h)
—Certain enumerated child sexual offenses occurring after July 1, 2007 that do not carry a sentencing exposure of life imprisonment	within 25 years after the child reaches 18 years of age	40-2-101(g)
Misdemeanors		
—Generally	within 12 months after offense committed	40-2-102
—Criminal impersonation with the use of a driver's license	within 1 year of the expiration date of the license used or within 3 years of date license last used for fraudulent purpose, whichever is longer	40-2-101
—Gaming offenses	within 6 months after offense committed	40-2-102

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
CRIMES (CONTINUED)		
Postconviction proceedings	within 1 year of the date of ruling of the highest state appellate court or U.S. Supreme Court to which an appeal is taken or, if no appeal is taken, within 1 year of the date on which the judgment became final, or consideration of the petition shall be barred	40-30-102
Revenue offenses		
—Generally	3 years	40-2-101
—Willful tax evasion involving fraud	6 years	40-2-101
Tolling provision	no period during which the party charged conceals the fact of the crime, or during which the party charged was not usually and publicly resident within the state, is included in the period of limitation	40-2-103
CRIMES (EXCEPTIONS)		
For all crimes	no period during which the party charged conceals the fact of the crime, or during which the party charged was not usually and publicly resident within the state, is included in the period of limitation	40-2-103
If the person entitled to commence an action is either under 18 years of age or adjudicated incompetent at the time the cause of action accrued	such person or such person's representatives and privies may commence the action, after legal rights are restored, within the time of limitation for the particular cause of action, unless it exceeds 3 years and, in that case, within 3 years from restoration of legal rights	28-1-106
DISCRIMINATION [See CIVIL RIGHTS]		
ELECTION CONTESTS	5 days after certification of the election	2-17-105
EMPLOYMENT		
Actions for violations of the Employment Relationship and Practices Act	1 year	28-3-104
FALSE IMPRISONMENT	1 year	28-3-104
FAMILY LAW		
Action for breach of marriage promise	1 year	28-3-104
Paternity actions		
—Action to challenge voluntary acknowledgment of paternity	5 years unless fraud is shown	24-7-113
—Action to determine parentage of a child	3 years after child reaches age of majority	36-2-306

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
FORECLOSURE		
Deficiency judgments		
—Enforcement of a deficiency judgment	within 10 years of judgment's entry	28-3-110
—Lender's action to obtain a deficiency judgment	within 2 years from date of sale or within 10 years from the maturity of the debt, whichever is sooner	35-5-118
Foreclosure of property	10 years from maturity of the debt	28-2-111
Right of redemption	2 years	66-8-101
FORFEITURE	1 year	28-3-104
GAMBLING		
Actions to recover money or goods lost at any kind of gambling or betting		
—If brought by loser	within 90 days after payment or delivery	28-3-106
—If brought for the use of the spouse, children, or next of kin	within 12 months from the expiration of the 90 days after payment or delivery	28-3-106
—If brought by the creditor of the loser	within 24 months from the expiration of the 90 days after payment or delivery	28-3-106
INVERSE CONDEMNATION		
Where taking arises from improvements to a highway, street, or alley	1 year from completion of improvement	7-31-112
Where taking otherwise arises out of the Tennessee Eminent Domain Act	12 months from date of taking and beginning of improvement or, if unknown to the owner, within 12 months of date owner discovered or reasonably should have discovered the taking but not more than 3 years from the taking. If unknown due to infancy or unsound mind, the owner must commence the action within 12 months or removal of disability but not more than 10 years after taking	29-16-124
JUDGMENTS		
Enforcement of a judgment	within 10 years of judgment's entry	28-3-110
LEASES		
Commercial	4 years unless otherwise provided for in lease agreement but not less than 1 year	47-2A-506
Residential	6 years	28-3-109
LIBEL	1 year	28-3-104
MALICIOUS PROSECUTION	1 year	28-3-104

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
MALPRACTICE		
Generally		
—Actions against attorneys, licensed public accountants, or certified public accountants, whether tort or contract	1 year	28-3-104
Actions for medical malpractice ending in injury to the person	1 year from when patient discovers, or in the exercise of reasonable care and diligence for his own health and welfare should have discovered the resulting injury, but not more than 3 years from date of injury except where there is fraudulent concealment on the part of the defendant, in which case the action shall be commenced within 1 year after discovery that the cause of action exists	29-26-116; 28-3-104
PRIVACY		
Civil action for invasion of privacy	2 years after the date upon which the claimant first discovered or had a reasonable opportunity to discover the violation	39-13-603
PRODUCTS LIABILITY		
Action against a manufacturer or seller of a product for injury to person or property caused by its defective or unreasonably dangerous condition		
—If action is against the seller or manufacturer of silicon gel breast implant	25 years from the date the product was implanted, provided the action is brought within 4 years of the date the plaintiff knew or should have known of the injury	29-28-103
—If injury arises out of construction or improvement to real property	4 years after substantial completion of the improvement or within 4 years of when defect became known or should have become known but not more than 10 years after sale of product	28-3-202; 29-28-103
—If injury is based on asbestos exposure	1 year from date of injury or date injury became known or should have become known without consideration of date of sale	28-3-105; 29-28-103
—If injury is to a minor	1 year from date of injury or within 1 year of the date the injury became known or should have become known but not more than 10 years from date of sale of defective product, or within 1 year after the expiration of the anticipated life of the product; or within 1 year of the child's reaching the age of majority, whichever occurs sooner	28-3-104; 29-28-103

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
PRODUCTS LIABILITY (CONTINUED)		
—If injury is not listed above and is to a person	1 year from date of injury or within 1 year of the date the injury became known or should have become known but not more than 10 years from date of sale of defective product; or within 1 year after the expiration of the anticipated life of the product, whichever occurs sooner	28-3-104; 29-28-103
—If injury is to personal or real property	3 years from date of injury or within 3 years from date injury became known or should have become known but not more than 10 years after sale of defective product	28-3-105; 29-28-103
PUBLIC UTILITIES [See COMMON CARRIERS]		
RAILROADS [See COMMON CARRIERS]		
REAL ESTATE BROKERS		
Disciplinary action	2 years from date of alleged violation or within the time limit set for the criminal violation, whichever is longer	62-13-313
REAL PROPERTY		
Action for the use and occupation of land	6 years	28-3-109
Foreclosure and Deficiency Judgments [See FORECLOSURE]		
Inverse condemnation [See INVERSE CONDEMNATION]		
Real estate brokers [See REAL ESTATE BROKERS]		
Rent		
—Commercial [See LEASES]		
—Residential [See LEASES]		
Surveys [See SURVEYS]		
Timeshares	within 4 years from date of contract purchase if based on original contract; within 4 years if arising from a breach of contract; the parties may agree to reduce limitation period to not less than 2 years with respect to provisions enforcement	66-32-119
Title Insurance	6 years from the date of loss	28-3-109
SLANDER	6 months after words are uttered	28-3-103
SURVEYS	4 years from the date the survey is recorded	28-3-114

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
STATE AND LOCAL GOVERNMENT LAW		
Actions against a government entity pursuant to the Government Tort Liability Act	claim must be asserted within 12 months from date the action accrues if denied by agency	16-1-16
Actions against sheriffs, clerks, and other public officers on their bonds [See BONDS]		
Actions for statutory penalties unless otherwise provided	1 year	28-3-104
Judgments and court decrees	10 years	28-3-110
Municipal bonds	15 years	28-3-113
TAXES		
Petroleum and alternative fuel tax	refunds must be claimed within 3 years after the date of purchase	67-3-412
Privilege tax	collection action must be brought within 6 years from January 1 of the year in which taxes accrued	67-1-1501
State action to recover money assessed through a tax lien on business, litigation, real estate transfer, and mortgage taxes	6 years after assessment of tax	67-1-1501
State recovery of real or personal property tax	within 10 years from April 1 of the year following the year in which the tax became delinquent	67-5-1806
State tax	must be assessed within 3 years from December 31 of the year in which return was filed	67-1-1501; 67-1-1429
THERAPISTS		
Actions brought pursuant to the Therapist Sexual Misconduct provisions of the Medical Malpractice Act	2 years from date alleged injury occurred or is discovered, whichever is later; discovery of alleged injury occurs after therapy ends, victim is no longer emotionally dependent upon therapist, and patient knew or should have known that sexual misconduct by a therapist is unprofessional and harmful to the patient; if victim is a minor at the time of abuse, the action must commence within 1 year of the child's 18th birthday or within the 2 years described above, whichever is longer	29-26-208

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
TORTS [See <i>a/so</i> PRODUCTS LIABILITY; STATE AND LOCAL GOVERNMENT]		
Actions based on an alleged violation of any federal or state statute creating monetary liability for personal services rendered or liquidated damages, or other recovery thereof, when no other time of limitation is fixed by the statute creating the liability	3 years following the injury or 3 years following the date the injury was or reasonably should have been discovered	28-3-104; <i>Wyatt v. A-Best Co.</i> , 910 S.W.2d 851, 857 (Tenn. 1995)
Actions for injury to personal or real property	3 years following the injury or 3 years following the date the injury was or reasonably should have been discovered	28-3-104; see <i>Wyatt v. A-Best Co.</i> , 910 S.W.2d 851, 857 (Tenn. 1995)
Actions for the detention or conversion of personal property [See CONVERSION]		
All other tort actions that have not been provided for	1 year following the injury or 1 year following the date the injury was or reasonably should have been discovered	28-3-104; <i>Wyatt v. A-Best Co.</i> , 910 S.W.2d 851, 857 (Tenn. 1995)
TRADE		
Misappropriation in violation of the Uniform Trade Secrets Act	3 years after the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered	47-25-1707
UNEMPLOYMENT [See ADMINISTRATIVE]		
WARRANTIES		
Action arising out of breach of warranty based on a negotiable instrument [See BANKING]	3 years	47-3-118(g)
Implied warranty of merchantability	4 years from date tender of delivery is made except where a warrant explicitly extends to future performance of goods and discovery of the breach must await the time of such performance; the cause of action accrues when the breach is or should have been discovered	47-2-725
WHISTLEBLOWERS [See EMPLOYMENT]		

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
WILLS AND TRUSTS		
Actions against the personal representative of an estate	7 years after death of decedent	28-3-102
Actions against the sureties of guardians, executors, administrators, and other public officers for nonfeasance, misfeasance, and malfeasance	6 years	28-3-109
Action to set aside probate	2 years from date of order admitting the will to probate, or, if a minor or incapacitated, 2 years from date disability is removed	32-4-108
Claims against the estate	60 days after notice given, and if no notice given, 12 months from death of decedent	30-2-310; 30-2-307
Trusts		
—Action by beneficiary against trustee alleging breach of trust	1 year after the date the beneficiary or a representative of the beneficiary was sent a report that adequately disclosed facts indicating the existence of a potential claim for breach of trust or, if no reports were sent, within 3 years after the first to occur of (1) the removal, resignation, or death of the trustee; (2) the termination of the beneficiary's interest in the trust; or (3) the termination of the trust	35-15-1005
—Action to contest the creation of a trust	2 years after the settlor's death or 120 days after the trustee sent the person a copy of the trust instrument and a notice informing the person of the trust's existence, the trustee's name and address, and the time allowed for commencing a proceeding	35-15-604
WORKERS' COMPENSATION		
Initial action for benefits	within 1 year from date of accident, a benefit review conference must be requested	50-6-203
Action to enforce or modify benefits already paid or provided	1 year from last authorized treatment or date employer ceased benefits	50-6-203
Action stemming from death of employee	1 year from date of death	50-6-203
WRONGFUL DEATH		
	1 year from date of death	28-3-104