



National Legal Research Group, Inc.

## ALABAMA STATUTES OF LIMITATIONS

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# ALABAMA STATUTES OF LIMITATIONS

The following is an alphabetical listing of Alabama 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</b>		
Trespass to person, assault and battery, false imprisonment	6 years	6-2-34
<b>AGENTS</b>		
Action by principal against agent	2 years; limitations period runs after liability of principal is ascertained in action against principal	6-2-6; 6-2-38
<b>ARCHITECTS</b>		
Action for negligence in design of improvement to real property	2 years after accrual of action (when injury is sustained)	6-5-221
Breach of contract and breach of warranty	7 years	6-5-227
<b>ARREST AND DETENTION</b>		
False arrest	6 years	6-2-34
<b>ASBESTOS</b>		
Personal Injury	2 years from date of discovery of injury or date injury should have been discovered with due diligence	6-2-30; 6-2-38
<b>ATTORNEYS</b>		
Action against attorney for failure to pay over money of their clients or for neglect or omission of duty	6 years	6-2-34
Client action for malpractice	2 years after the act or omission or failure giving rise to the claim	6-5-574
—Action to disbar attorney	3 years	6-2-37

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>BANKING AND FINANCE</b>		
Action against bank relating to deposits	3 years from accrual; accrual occurs the earlier of (1) the date demand for payment is made to the bank, but if the time deposit has a due date and the bank is not required to pay before that date, the cause of action accrues when a demand for payment is in effect and the due date has passed; (2) the latter of (a) the due date of the time deposit established in the bank's last written notice of renewal sent pursuant to 5-5A-36; or (b) four years after the last written communication from the bank recognizing the bank's obligation under the time deposit; or (3) the last day of the taxable year for which the owner of the time deposit last reported interest income earned on the time deposit on either a federal or state tax return	7-4-111
<b>BONDS</b>		
Actions against sureties for bonds executed in courts	4 years	6-2-36
Actions contesting validity of securities issued by various state or local entities	20 days after notice of resolution regarding issuance of securities	2-6-83; 2-6-121; 4-2A-10; 4-3-15; 9-14B-13; 11-20-40; 11-22-11; 11-47-12; 11-47-233; 11-54-182; 11-54A-13; 11-56-11; 11-60-10; 11-61A-21; 11-62-9; 11-81-164; 11-86A-14; 11-92A-14; 11-92B-12; 11-99A-15; 11-101A-19; 14-2-15; 16-17-18; 16-18-20; 22-21-145; 22-21-329; 22-29-10; 37-13-19; 41-10- 44.11; 41-10-56; 41-10-94; 41-10- 278; 41-10-475; 41-10-552; 41-10-631; 45-8A-20.12; 45-8A-111.12; 45-23A-91.12; 45-27A-31.12
<b>CHILDREN AND MINORS</b>		
Tolling of limitations period for minor	3 years after the minor turns 19 and any other disability is removed	6-2-8

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>COMMERCIAL CODE</b>		
Action to enforce rights under U.C.C. letters of credit	2 years	7-5-115
Actions for default under lease agreement	4 years after breach of lease	7-2A-506
Actions under contracts for sale	4 years after breach of contract	7-2-725
<b>COMMON CARRIERS</b>		
Actions against and by common carriers for recovery of charges	2 years	6-2-38
<b>CONFINEMENT</b>		
Action by prisoner for unlawful confinement	1 year	Ala. R. Crim. P. 32.2
<b>CONSTRUCTION</b>		
Action against architect or engineer arising from design or planning of improvement to real property	2 years after accrual	6-5-221
Actions against contractors arising from improvement to real property	2 years	6-5-221
<b>CONTRACTS</b>		
Actions on contracts for sales	4 years	7-2-725
Actions on contract under seal	10 years	6-2-33
Actions on gambling contracts	void; 6 months to recover money lost	8-1-150
Actions on written instrument	6 years	6-2-34
Recovery of money upon a loan, liquidated account, arrears of rent	6 years	6-2-34
<b>CONVERSION</b>		
Action to recover personal property or damages	6 years	6-2-34
<b>CORPORATIONS</b>		
Claims upon judicial dissolution of a nonprofit corporation	2 years	10A-3-7.18
Right to rescission of purchase of shares	earlier of 90 days after discovery or 2 years after purchase	10A-2-7.32
<b>CRIMES</b>		
Arson	no limitation	15-3-5(a)(5)
Capital felony	no limitation	15-3-5(a)(1)
Conversion of public revenue	6 years	15-3-3
Counterfeiting	no limitation	15-3-5(a)(7)
Drug trafficking	no limitation	15-3-5(a)(8)
Felonies	3 years	15-3-1
Forgery	no limitation	15-3-5(a)(6)

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>CRIMES (CONTINUED)</b>		
Health and solid waste crimes	4 years	22-27-14
Human trafficking	5 years after escape; limitations period tolled during minority	13A-6-158
Misdemeanors	1 year	15-3-2
Postconviction relief	1 year	Ala. R. Crim. P. 32.2
Sex offense when victim under 16	no limitation	15-3-5(a)(4)
Unlawful taking of property	30 days	15-3-7
Violent felony	no limitation	15-3-5(a)(2)
<b>DEATH</b>		
Action permitted by personal representative for wrongful death of minor	may be commenced 6 months after death of minor if parents have not yet brought action	6-5-391
Wrongful death	2 years	6-2-38
<b>DECREES AND JUDGMENTS</b>		
Action on judgment of Alabama court, federal court, or another state's court	20 years	6-2-32
Action on judgment of court of foreign country	5 years	6-9-258
<b>DISCRIMINATION</b>		
Age discrimination by employer	same as in federal Age Discrimination in Employment Act	25-1-29
Fair housing administrative complaint	180 days	24-8-12
Fair housing court action	1 year	24-8-12; 24-8-13
<b>ELECTIONS</b>		
Action contesting bond issue in county election	40 days after referendum	11-81-90
Action contesting bond issue in municipal election	40 days after referendum	11-81-61
Action contesting validity of election	6 months	6-2-40
<b>ESCHEAT</b>		
Action to recover property escheated to state	10 years	41-9-65
<b>FORCIBLE ENTRY AND UNLAWFUL DETAINER</b>		
Action for forcible entry	3 years after entry	6-6-315

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>FRAUD</b>		
Legal or equitable action	2 years after discovery of fraud	6-2-3
Fraudulent conveyance	under 8-9A-4(a), within 10 years after the transfer of real property was made	8-9A-9(1)
	under 8-9A-4(a), within 6 years after the transfer of personal property was made	8-9A-9(2)
	under 8-9A-4(c) or 8-9A-5(a), within 4 years after the transfer was made when the action is brought by a creditor whose claim arose before the transfer was made	8-9A-9(3)
	under 8-9A-4(c), within 1 year after the transfer was made when the action is brought by a creditor whose claim arose after the transfer was made	8-9A-9(4)
	under 8-9A-5(b), within 1 year after the transfer was made	8-9A-9(5)
<b>GUARDIAN AND WARD</b>		
Action by minor of 14 or older objecting to appointment of guardian	30 days after appointment	26-2A-72
<b>HEALTH-CARE PROVIDERS</b>		
Medical malpractice	2 years	6-5-482
<b>IDENTITY THEFT</b>		
Civil action	7 years from date of discovery	13A-8-199
<b>IMPRISONMENT</b>		
False imprisonment	6 years	6-2-34
<b>INSURANCE</b>		
Action to recover life insurance benefits	2 years	27-34-31
Actions by state against private insurer following denial or reduction of benefits to insured due to Medicaid eligibility	6 years	27-14-11.1
<b>JUDGMENTS</b>		
Enforcement of foreign judgments	5 years	6-9-258
Enforcement of state court judgment, federal court judgment, or judgment from another state	20 years	6-2-32
<b>LABOR LAW</b>		
Collection of delinquent unemployment compensation contributions	10 years	25-4-134
<b>LANDLORD AND TENANT</b>		
Actions for arrears of rent	6 years	6-22-34

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>LICENSES</b>		
Action by state or its subdivisions for money claimed for licenses	5 years	6-2-35
Action to contest denial of alcohol license	14 days after denial	11-3A-4; 28-1-6; 28-1-7; 45-8-21.01
<b>LIENS AND ENCUMBRANCES</b>		
Action to enforce lien	6 months after maturity of debt	35-11-221
<b>MALICIOUS PROSECUTION</b>		
Action for damages	2 years	6-2-38
<b>MALPRACTICE</b>		
Legal malpractice	2 years	6-5-574
Medical malpractice	2 years	6-5-482
<b>MENTAL DEFICIENCY OR ILLNESS</b>		
Minors	disability suspends statute of limitations during minority until age 19, then 3 years	6-2-8
Tolling of statute of limitations during disability	action may be brought 3 years after termination of disability	6-2-8
<b>MILITARY JUSTICE</b>		
Court martial of member of Alabama National Guard	12 months	31-2A-43
<b>MOTOR VEHICLES</b>		
Actions against manufacturers and dealers under Motor Vehicle Franchise Act	4 years	8-20-12
Actions against manufacturers under Motor Vehicle Lemon Law	3 years following the date of original delivery of the motor vehicle to the consumer	8-20A-6
Actions based on Alabama Heavy Equipment Dealer Act	4 years	8-21B-14
Actions based on the Tractor, Lawn and Garden and Light Industrial Equipment Franchise Act	4 years	8-21A-13
<b>NEGOTIABLE INSTRUMENTS</b>		
Certificate of deposit	6 years	7-3-118(e)
Certified check	3 years	7-3-118(d)
Legal or equitable action	6 years	7-3-118(a), (f)
Unaccepted draft	10 years or 3 years after dishonor	7-3-118(c)
<b>OFFICERS</b>		
Actions against sureties of officers for nonfeasance, malfeasance	6 years	6-2-34

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>PARTNERSHIPS</b>		
Actions for improper distribution by partner	2 years	10A-9-5.09
Claims against dissolved limited partnership by known claimants who have received notice of dissolution	90 days after notice of rejection of claim	10A-9-8.06
Dissociated partner may maintain an action against the partnership	within 120 days after the partnership has tendered payment or an offer to pay or within one year after written demand for payment if no payment or offer to pay is tendered	10A-8-7.01
Other claims against dissolved limited partnership	2 years	10A-9-8.07
<b>PERSONAL INJURIES</b>		
Action for damages ( <i>See also</i> CONSTRUCTION)	2 years	6-2-38
<b>PERSONAL PROPERTY</b>		
Action for taking, detaining, or injuring personal property	6 years	6-2-34
Action to recover personal property	6 years	6-2-34
<b>PROBATE</b>		
Claims to charge real estate with debts of decedent	2 years from death of deceased	6-2-41
Limitations for claims against estates of decedents suspended until representative disputes claim		6-2-9
<b>PRODUCTS LIABILITY</b>		
Actions against seller within one year of the time the personal injury, death, or property damage occurs; or within one year from the date personal injury or property damage is, or in the exercise of reasonable diligence should have been, discovered		6-5-502
<b>PROSECUTION</b>		
Malicious prosecution	2 years	6-2-38
<b>PUBLIC WORKS</b>		
Action to enjoin contract	45 days after contract	39-5-4
Action to recover funds paid under contract	3 years	39-5-3
<b>QUI TAM</b>	<b>2 YEARS</b>	<b>6-2-38</b>



AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>REAL PROPERTY</b>		
Action by state, county, or municipality to recover land	no limit	6-2-31
Action to recover real property or its possession	10 years	6-2-33
Adverse possession	10 years	6-5-200
Limitation of a claim to charge real estate with debts of decedent	2 years	6-2-41
<b>RESPONDEAT SUPERIOR</b>		
Cases arising from claim of respondeat superior	2 years	6-2-38
<b>SAVINGS AND LOAN</b>		
Actions by associations to contest rulings of the Commissioner before the Savings and Loan Board	30 days	5-2A-63
Actions by associations to contest rulings by the Savings and Loan Board	30 days	5-2A-63
<b>SLANDER AND LIBEL</b>		
Action for damages	2 years	6-2-38
<b>STATE BOARD OF ADJUSTMENT</b>		
Claims to State Board of Adjustment	1 year	41-9-65
Claims to State Board of Adjustment arising from injury causing death	2 years	41-9-65
<b>TAX</b>		
Action for refund of taxes paid in error	2 years	40-10-166
Action to collect tax due from mining of iron ore	1 year from shipment	40-12-128
Action to set aside tax sale where proceedings were defective	5 years	40-10-75
Collection of taxes	10 years	40-29-51
<b>TRESPASS</b>		
Trespass on real and personal property	6 years	6-2-34
<b>TRUSTS AND TRUSTEES</b>		
Actions against trustee for breach of trust	2 years	19-3B-1005
<b>WAGES</b>		
Action to recover wages	2 years	6-2-38
<b>WAR</b>		
War suspends statute of limitations if partys country is at war against U.S.		6-2-13

AREA OF LAW	LIMITATIONS PERIOD	STATUTE
<b>WATER</b>		
Action to contest transfer of municipal water system	30 days	11-50-171
<b>WILLS</b>		
Action against executor	no action until 6 months after grant of authority	43-2-131