

Understanding New York's Statute of Limitations

A Client Guide from the Law Offices of Jason G. Krantz, PC

Every injury claim in New York comes with a deadline. Miss it, and the court will almost always dismiss your case — no matter how serious your injuries or how clearly the other side was at fault. These deadlines are called statutes of limitations, and in New York some of them are much shorter than people expect. Here's what you need to know before time runs out.

What Is a Statute of Limitations?

A statute of limitations is the legal time limit for filing a lawsuit. The clock usually starts on the date of the injury and keeps running whether or not you're still in treatment, still negotiating with an insurance company, or simply unaware of the deadline. Settlement talks do not stop the clock — only filing a lawsuit (or, in some cases, a required notice) preserves your rights.

How Much Time Do You Have?



New York Filing Deadlines at a Glance

Type of Claim	Deadline	Governing Law
Car accidents, slip and fall, and most negligence claims	3 years from the date of injury	CPLR § 214
Property damage	3 years	CPLR § 214
Medical malpractice	2½ years from the malpractice or the end of continuous treatment	CPLR § 214-a
Wrongful death	2 years from the date of death	EPTL § 5-4.1
Intentional injuries (assault, battery)	1 year	CPLR § 215
Claims against NYC, counties, towns, or public authorities	Notice of Claim within 90 days; lawsuit within 1 year and 90 days	General Municipal Law §§ 50-e, 50-i
Claims against New York State	Claim or notice of intention within 90 days in the Court of Claims	Court of Claims Act § 10
Toxic exposure	3 years from discovery of the injury	CPLR § 214-c

The 90-Day Trap: Claims Against the Government

If your injury involves a city bus, a municipal vehicle, a public sidewalk, a city hospital, a public school, or an agency such as the MTA or NYCHA, the most important deadline isn't three years — it's **90 days**. Before you can sue a New York municipality or public authority, you generally must serve a formal Notice of Claim within 90 days of the incident, and then file the lawsuit within one year and 90 days.

Why it matters: Courts can allow a late Notice of Claim in limited circumstances, but it isn't guaranteed. If a government entity may be involved, speak with an attorney right away.

Exceptions That Can Change the Clock

- **Injured children.** For a minor, the statute of limitations is generally paused until the child turns 18 — though medical malpractice claims are capped at 10 years, and the 90-day Notice of Claim requirement still applies to government claims.
- **Continuous treatment.** In medical malpractice cases, the clock may not start until the course of treatment for the same condition ends.
- **Discovery rules.** Certain claims — such as a foreign object left in the body, a missed cancer diagnosis, or toxic exposure — run from when the injury was or should have been discovered, subject to outside limits.
- **Wrongful death after injury.** If an injured person later passes away, the family's wrongful death claim has its own two-year deadline.

Wrongful Death Claims in New York

New York allows a wrongful death claim to be filed within two years of the date of death. Under current law, recovery is limited to economic losses — such as lost financial support, household services, medical and funeral expenses, and the loss of a parent's guidance for minor children. The Legislature has repeatedly passed the Grieving Families Act to expand these damages, but it has not become law, so the existing two-year deadline and rules still apply.

The Bottom Line

Statutes of limitations are unforgiving, and calculating the right deadline isn't always simple — especially when a government entity, a minor, or a medical provider is involved. The safest approach is to speak with an attorney as soon as possible after an injury, while evidence is fresh and every option is still open.

Don't Let the Clock Run Out on Your Claim

A missed deadline can end a strong case before it begins. Schedule a consultation with the Law Offices of Jason G. Krantz, PC, and let's make sure your claim is filed on time.

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This guide is provided for general informational purposes only and does not constitute legal advice, nor does it create an attorney-client relationship. Personal injury laws and deadlines are fact-specific and change over time; please consult a licensed New York attorney about your specific situation as soon as possible after an injury.