

50 State Damages Caps/Spoilation/Statutes of Limitation & Repose
Quick Reference Guide

State	Strict Liability Statute of Limitation	Statute of Repose	COA for Strict Liability Available	Independent Cause of Action for Spoilation	Punitive Damages Available/Cap	Wrongful Death Statute of Limitations
Alabama	2 Years Ala. Stat. § 6-2-38	None	Yes, Ala.Code 1975 § 6-5-521	Yes	Yes, in personal injury cases only. No award of punitive damages shall exceed three times the compensatory damages of the party claiming punitive damages or one million five hundred thousand dollars (\$1,500,000), whichever is greater. Ala. Code § 6-11-21. The cap does not apply in wrongful death cases	2 years Ala. Stat. § 6-5-410
Alaska	2 years AS § 09.10.070	None	Yes, AS § 09.10.070	No	Yes, punitive damages may not exceed three times the amount of compensatory damages awarded to the plaintiff in the action; or the sum of \$500,000. Alaska Stat. Ann. § 09.17.020 (West)	2 years Alaska Stat. § 09.10.010
Arizona	2 years A.R.S. § 12-542	None	Yes	No	Yes, No law shall be enacted in this state limiting the amount of damages to be recovered for causing the death or injury of any person. Ariz. Const. art. II, § 31	2 years Ariz. Rev. Stat. Ann. § 12-542
Arkansas	3 years A.C.A. § 16-116-203	None	Yes	No	Yes, a punitive damages award for each plaintiff shall not be more than the greater of the following: Two hundred fifty thousand dollars (\$250,000); or Three (3) times the amount of compensatory damages awarded in the action, not to exceed one million dollars (\$1,000,000). Ark. Code Ann. § 16-55-208 (West)	3 years A.C.A. § 16-62-102
California	Personal Injury: 2 Years Cal. Civ. Proc. Code § 335.1 Property Damage: 3 Years Cal. Civ. Proc. Code § 338(c)	None	Yes	No	Yes	2 years Cal Code Civ Proc § 335.1
Colorado	2 Years C.R.S. §§ 13-80-102(1)(b), 13-80-106(1)	7 years for new manufacturing equipment C.R.S. § 13-80-107	Yes	No	Yes, limited to an amount not to exceed actual damages, absent aggravating factors. C.R.S. §§ 13-21-102, 13-21-203(3)(a)	2 years C.R.S. § 13-80-102(1)(d)
Connecticut	3 years Conn. Gen. Stat. § 52-577	10 years for products liability Conn. Gen. Stat. § 52-577a 3 years for medical malpractice Conn. Gen. Stat. § 52-584	Yes	Yes	Yes. "Common law punitive damages cannot exceed the plaintiff's expenses of litigation, less his taxable costs. Litigation expenses may include not only reasonable attorney's fees, but also any other nontaxable disbursements reasonably necessary to prosecuting the action." <i>Berry v. Loiseau</i> , 614 A.2d 414, 437 (Conn. 1992) (citations omitted).	2 years Conn. Gen. Stat. § 52-555(a)
Delaware	Personal Injury: 2 years 10 Del. C. §8119	No	No	No	Yes. There is no cap.	2 years 10 Del. C. § 8107

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Florida	4 Years F.S.A. § 95.11(3)(a),(e),(k)	12 years from delivery if product has useful life of 10 years F.S.A. § 95.11.	Yes	No	Yes, no more than three times the amount of compensatory damages awarded to each claimant entitled thereto; or the sum of \$500,000, however can be four times comp damages, if motivated by financial gain and unlimited if there was specific intent to harm. Fla. Stat. Ann. § 768.73 (West)	2 years Fla. Stat. § 95.11
Georgia	Personal Injury: 2 Years O.C.G.A. § 9-3-33 Personal Property Damage: 4 Years O.C.G.A. § 9-3-30, 31	10 year Ga. Code Ann § 51-1-11	Yes	No	Yes, if the cause of action arises from product liability, there shall be no limitation regarding the amount, which may be awarded as punitive damages. Ga. Code Ann. § 51-12-5.1 (West)	2 years O.C.G.A. § 9-3-71
Hawaii	2 Years Haw. Rev. Stat. §657-7	None	Yes	No	Yes	2 years HRS § 431:10C-315
Idaho	2 Years Idaho Code § 5-219	10 years Idaho Code § 6-1403(3)	Yes	Yes	Yes, No judgment for punitive damages shall exceed the greater of two hundred fifty thousand dollars (\$250,000) or an amount which is three (3) times the compensatory damages contained in such judgment Idaho Code Ann. § 6-1604 (West)	2 years Idaho Code § 5-201; Idaho Code § 5-219(4)
Illinois	Personal Injury: 2 Years 735 I.L.C.S. § 5/13-202 Personal Property: 5 Years I.L.C.S. § 5/13-205	Construction: 10 years after construction of improvement, but at least 4 years after discovery 735 I.L.C.S. § 5/13-214 Products: Within 10 years of sale to initial owner or 12 years from delivery to first owner, whichever is shorter 735 I.L.C.S. § 5/13-213	Yes	No, Illinois does not recognize a separate and independent tort for spoliation of evidence. <u>Dardeen v. Kuehling</u> , 821 N.E.2d 227 (Ill. 2004). However, Illinois has recognized a claim for negligent spoliation of evidence which can be brought under existing negligence principles. <u>Boyd v. Travelers Ins. Co.</u> , 652 N.E.2d 267 (Ill. 1995). A duty to preserve evidence can arise through agreement, contract, statute, or other special circumstance. Illinois courts have refused to allow claims for intentional or fraudulent spoliation.	Yes, No cap 735 I.L.C.S. § 5/2-1207	2 years 735 I.L.C.S. 180/2(d)

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Indiana	2 years Burns Ind. Code Ann. § 34-11-2-4	10 years after delivery of the product for products liability. Burns Ind. Code Ann. § 34-20-3-1	Yes, for design defects. Burns Ind. Code Ann. § 34-20-2-2	Yes	Yes, limited to not more than greater of: (1) three times compensatory damages awarded, or (2) \$50,000. Burns Ind. Code Ann. § 34-51-3-4	No, see <i>Holmes v. ACand S, Inc.</i> , 709 N.E.2d 36, 39 (Ind. App. 1999) (Two-year period within which action must be commenced is not SOL but condition precedent to existence of claim. Wrongful death action accrues when person dies.)
Iowa	Personal Injury: 2 Years I.C.A. § 614.1(2) Personal Property: 5 Years I.C.A. § 614.1(4). However, under I.C.A. § 613.18(3) the two-year statute of limitations is tolled "against the manufacturer upon certification that the manufacturer is unknown until it is identified in discovery."	I.C.A. § 614.1(2A)(a) sets forth a statute of repose of fifteen (15) years brought against the manufacturer, assembler, designer, supplier of specifications, seller, lessor, or distributor of a product based upon an alleged defect in the design, inspection, testing, manufacturing, formulation, marketing, packaging, warning, labeling of the product, or any other alleged defect or failure of whatever nature or kind, based on the theories of strict liability in tort, negligence, or breach of an implied warranty. In Iowa, the statute of repose begins to run 'after the product was first purchased, leased, bailed, or installed for use or consumption unless expressly warranted for a longer period of time by the manufacturer, assembler, designer, supplier of specifications, seller, lessor, or distributor of the product.' " (quoting Iowa Code § 614.1(2A)(a)).	Yes	No	Yes	2 years Iowa Code § 614.1(2)
Kansas	2 Years K.S.A. § 60-513	10 Years K.S.A. § 60-513 (exclusions for injuries that are not reasonably ascertainable) K.S.A. §60-3303(b)(1) (presumption that can be rebutted by clear and convincing evidence)	Yes	No	Yes, Yes cap K.S.A. § 60-3701(e) (punitive damages shall not exceed the lesser of \$5million or annual gross income, but exceptions if profitability of misconduct exceeds the lesser amount)	2 years K.S.A. § 60-513



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Kentucky	1 year for personal injury KRS § 413.140	No. However, KRS 411.310(1) creates a rebuttable presumption of non-defectiveness, 5 years from date of first sale or 8 years from manufacture.	Yes	No	Yes	1 year KRS § 411.130
Louisiana	1 year in La.C.C. Art. 3492 applies to LPLA	None	Yes	Yes	Yes, but only where authorized by statute like La.C.C. art. 2315.4 (drunk driver) & 2315.7 (criminal sexual behavior). But not available under the Louisiana Products Liability Act. La. Stat. Ann. § 9:2800.53	1 year La. C.C. Art. 2315.2
Maine	6 Years 14 M.R.S.A. § 752	6 years for minors or 3 years after minor reaches age of majority; 3 years for adults 24 M.R.S. § 2902	Yes 14 M.R.S. § 221	No	Yes, but no punitive damages against governmental entities. 14 M.R.S. § 8105	6 years 14 M.R.S. § 752
Maryland	3 years Md. Cts. & Jud. Proc. § 5-101	Yes Md. Cts. & Jud. Proc. § 5-108 <i>Leichling v. Honeywell Int'l, Inc.</i> , 842 F.3d 848 (4 th Cir. 2016)	Yes Toms v. Calvary Assembly of God, Inc., 446 Md. 543 (2016)	No	Yes Owens-Illinois, Inc. v. Zenobia, 325 Md. 420 (1992)	3 years Md. Courts & Jud. Proc. § 5-101
Massachusetts	3 Years Mass. Ann. Laws Ch. 260 §§ 2A and 4	None	No	No	Yes, M.G.L.A. ch. 229 § 4	3 years M.G.L.A. ch. 260, § 4 and ch. 229 § 2
Michigan	3 M.C.L.A. § 600.5805(13)	None	No	No	No. There are caps on non-economic damages. The 2018 caps are \$812,500 for death or permanent loss of bodily function and \$455,000 if it is a lessor injury. These caps adjust in January every year. Michigan does not have punitive damages.	3 years MCLS § 600.5805
Minnesota	4 M.S.A. § 541.05 subd.2	None	Yes	No	Yes, No limit M.S.A. § 549.20	3 years but no more than 6 years from act or omission. Minn. Stat. 573.02 Notice be provided within six months after an attorney-client relationship begins. Minn. Stat. 604.04
Mississippi	3 years Miss. Code Ann. § 15-1-49	None	No	No	Yes, Miss. Code Ann. § 11-1-65	3 years Miss. Code Ann. § 15-1-49
Missouri	5 Years Mo. Rev. Stat. § 516.120	10 Years for construction to real property Mo. Rev. Stat. § 516.097	Yes	No	Yes, no cap per <u>Lewellen v. Franklin</u> , 441 S.W.3d 136, 150 (Mo. 2014).	3 years V.A.M.S. 537.100 V.A.M.S. 537.080

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Montana	3 Years 27-2-204, MCA	5 Years 27-2-205, MCA (effective 7/1/19)	Yes 27-1-719, MCA (temporary)	Yes, see 993 P.2d 11	An award for punitive damages may not exceed \$10 million or 3% of a defendant's net worth, whichever is less. 27-1-220, MCA	3 years, except when the wrongful death is the result of a homicide, in which case the period is within 10 years. 27-2-204, MCA
Nebraska	4 Years R.R.S. Neb. § 25-224(1)	10 Years R.R.S. Neb. § 25-222	Yes R.R.S. Neb. § 25-21,181	No, see 753 N.W.2d 321	No	2 years R.R.S. Neb. § 30-810
Nevada	4 Years N.R.S. § 11.190	None	Yes	No	Yes for Strict Liability Claims. However, a punitive damages award pursuant to 42.005(1) does not have a cap in an action brought against a manufacturer, distributor or seller of a defective product. (pursuant to NRS 42.005(2)(a)).	2 years Nev. Rev. Stat. Ann. § 11.010
New Hampshire	3 Years RSA 508:4	8 Years for construction actions RSA 508:4-b	Yes, RSA 147-B:10	No	No, RSA 507:16	3 Years RSA 508:4
New Jersey	Personal Injury: 2 years N.J.S.A. § 2A:14-2 Personal Property: 6 years N.J.S.A. § 2A:14-1	None	Yes	Yes	Yes. "No defendant shall be liable for punitive damages in any action in an amount in excess of five times the liability of that defendant for compensatory damages or \$350,000, whichever is greater." N.J. Stat. Ann. § 2A:15-5.14 (West)	2 years N.J. Stat. § 2A:14-2
New Mexico	Personal Injury: 3 Years N.M.S.A. § 37-1-8 Property Damage: 4 Years N.M.S.A. § 37-1-4	None	Yes	Yes	No cap.	3 years N.M. Stat. Ann. § 41-2-2
New York	3 Years N.Y. C.P.L.R. 214 (McKinney)	None	Yes	No	Yes	2 years from DOD N.Y. Est. Powers & Trusts Law § 5-4.1 (McKinney)
North Carolina	3 years N.C. Gen. Stat. § 1-52(16)	12 years N.C. Gen. Stat. § 1-46.1(1)	No, N.C. Gen. Stat. § 99B-1.1	No	Yes, punitive damages awarded against a defendant shall not exceed three times the amount of compensatory damages or two hundred fifty thousand dollars (\$250,000), whichever is greater. N.C. Gen. Stat. § 1D-25(b)	2 years from death, N.C. Gen. Stat. § 1-53(4), but never longer than 3 years from when the injury is apparent, N.C. Gen. Stat. § 1-52(16)
North Dakota	6 Years N.D.C.C. § 28-01-16(5)	10 years NDCC, 28-01.3-08	Yes	No	Yes	2 years N.D. Cent. Code, § 28-01-18
Ohio	2 Years ORC Ann. 2305.10(A)	4 Years ORC Ann. 2305.113(C)	Yes	Yes	Yes ORC Ann. 2307.80	1 year ORC Ann. 2305.113(A)
Oklahoma	2 Years Okla. Stat. Ann. Tit. 12, § 95	None	Yes	No	Yes, subject to statutory caps/three categories 23 Okla.St.Ann. § 9.1	2 years 12 Okl. St. § 1053



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Oregon	2 Years O.R.S. § 30.905(1-3)	10 years O.R.S. § 30.905	Yes	Courts are Split	Yes; ORS § 31.730	3 years ORS § 30.020
Pennsylvania	2 Years 42 Pa.C.S. § 5524(2)	7 Years 40 P.S. § 1303.513	Yes; 104 A.3d 328	No	Yes Except for intentional misconduct, punitives against physician shall not exceed 200% of compensatory damages; shall not be less than \$100,000 unless lower verdict amount 40 P.S. § 1303.505	2 Years 42 Pa.C.S. § 5524(2)
Puerto Rico			Yes	No	No	1 year 31 L.P.R.A. § 5298.
Rhode Island	Personal Injury: 3 Years R.I.G.L. § 9-1-14 (b) Property Damage: 10 Years R.I.G.L. § 9-1-13(a)		Yes	No	Yes	3 years R.I. Gen. Laws § 10-7-2
South Carolina	3 years S.C. Code §15-3-530	None	Yes	Modified comparative negligence S.C. Code §15-38-15	Yes in Negligence Claims; No punitives in claims for just Strict Liability or Breach of Warranty	3 years S.C. Code Ann. § 15-3-530
South Dakota	3 Years S.D.C.L. § 15-2-12.2	None	Yes	No	Yes. No caps on Punitives	3 years S.D. Codified Laws § 21-5-3
Tennessee	Personal Injury: 1 Year T.C.A. § 28-3-104 Property Damage: 3 Years T.C.A. § 28-3-105	10 years if no expiration date on product, 1 year after the expiration of the anticipated life of the product, and for minors, 1 year after attaining age of majority T. C. A. § 29-28-103 (different limitations periods apply to asbestos or silicone breast implant cases)	Yes	No	Yes, Punitive damages shall not exceed an amount equal to the greater of Two (2) times the total amount of compensatory damages awarded; or Five hundred thousand dollars (\$500,000) § 29-39-104	1 year Tenn. Code Ann. § 28-3-104
Texas	2 Years Tex. Civ. Prac. & Rem. Code Ann. § 16.003	15 years Tex. Civ. Prac. & Rem. Code Ann. § 16.012 (West)	Yes	No	Yes, damages awarded against a defendant may not exceed an amount equal to the greater of: two times the amount of economic damages; plus an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000; or \$200,000. Tex. Civ. Prac. & Rem. Code Ann. § 41.008 (West)	2 years Tex. Civ. Prac. & Rem. Code § 16.003

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Utah	Personal Injury: 2 Years U.C.A. § 78B-6-706 Property Damage: 2 Years U.C.A. § 78B-6-706	None	Yes	No	Yes	2 years Utah Code Ann. § 78B-2-304
Vermont	3 Years for personal injury- 12 V.S.A. § 512(4); 2 Years for dram shop- 7 V.S.A. § 501(d)	7 Years 12 V.S.A. § 521	Yes	Yes	Yes, not exceeding three times the value of the consideration given by the consumer 9 V.S.A. § 2461	2 Years 14 V.S.A. § 1492(a)
Virginia	Personal Injury: 2 Years Va. St. § 8.01-243(A) Property Damage: 5 Years Va. St. § 8.01-243(B)	None	No	No	Yes, In no event shall the total amount awarded for punitive damages exceed \$350,000 Va. Code Ann. § 8.01-38.1 (West)	2 years Va. Code Ann. § 8.01-244
Washington	3 Years R.C.W.A. § 7.72.060(3)	12 years, R.C.W. § 7.72.060	Yes	No	No	3 years R.C.W. § 4.16.080
West Virginia	2 Years W. Va. Code § 55-2-12(b)	10 Years W. Va. Code § 55-7B-4(a)	Yes	Yes	Yes, The amount of punitive damages that may be awarded in a civil action may not exceed the greater of four times the amount of compensatory damages or \$500,000, whichever is greater W. Va. Code § 55-7-29	2 Years W. Va. Code § 55-7-6(d)
Wisconsin	3 Years personal injury- Wis. Stat. § 893.54(1m)(b); 6 Years property damage- Wis. Stat. § 893.52	5 Years Wis. Stat. § 893.55(1m)(b)	Yes	Yes, see 768 N.w.2d 729	Yes, may not exceed twice the amount of compensatory damages or \$200,000, whichever is greater Wis. Stat. § 895.043	3 Years Wis. Stat. § 893.54(2m)
Wyoming	2 Years Wyo. Stat. § 1-38-102(d)	No	Yes	No	Yes,	2 Years Wyo. Stat. § 1-38-102

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