



HUIE, FERNAMBUCQ & STEWART, LLP
Birmingham, Alabama
www.huielaw.com

Bart Cannon
bcannon@huielaw.com

Will Thompson
wthompson@huielaw.com

MCDOWELL, KNIGHT, ROEDDER &
SLEDGE, LLC
Mobile, Alabama
www.mcdowellknight.com

Craig Hamilton
chamilton@mcdowellknight.com

Jon Lieb
jlieb@mcdowellknight.com

Alabama

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Alabama's two-year statute of limitations for negligence and wantonness claims does not toll based on the issuance of a traffic citation or resulting conviction.



FOR MORE INFORMATION

ALFA INTERNATIONAL
Chicago, IL
Alfainternational.com

Aisha Ali
aali@alfainternational.com

ALASKA

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Alaska does not toll the statute of limitations for civil claims—such as personal injury lawsuits—based on the issuance of a traffic citation or a traffic conviction. The statute of limitations for personal injury claims in Alaska is two years from the date of injury, as outlined in Alaska Statute § 09.10.070(a). This time limit applies regardless of whether a traffic citation is issued or a conviction is later obtained.



FOR MORE INFORMATION

HAIGHT BROWN & BONESTEEL
Los Angeles, CA
[Hbblaw.com](http://hbblaw.com)

Morgan McCarthy
mmcarthy@hbblaw.com

Peter Dubrawski
pdubrawski@hbblaw.com

Arizona

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. The two-year statute of limitations is unaffected based on the issuance of a citation or traffic conviction



FOR MORE INFORMATION

MATHENY SEARS LINKERT JAIME LLP
Sacramento, CA
mathenysears.com

Jeffrey E. Levine
jlevine@mathenysears.com

HAIGHT BROWN & BONESTEEL LLP
Los Angeles, CA
hbblaw.com

Peter Dubrawski
pdubrawski@hbblaw.com

HIGGS | FLETCHER | MACK
San Diego, CA
higgslaw.com

Nicholas D. Brauns
braunsn@higgslaw.com

Molly H. Teas
mhteas@higgslaw.com

California

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. However, if a driver is concerned about preserving their fifth amendment privilege, then a stay should be sought in the civil action.



FOR MORE INFORMATION

HALL & EVANS
Denver, Colorado
www.hallevans.com

Lance G. Eberhart
eberhartl@hallevans.com

Paul T. Yarbrough
yarbroughp@hallevans.com

COLORADO

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

The statute of limitations toll does not rely on the issuance of a citation nor a traffic conviction. Instead, it follows C.R.S. § 13-80-101 that suit must be brought within three years after the cause of action accrues. That accrual occurs when the injury and cause are known or should have been known by the exercise of reasonable diligence. *Id.* at § 13-80-108(1).

Connecticut

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. A claim by any party, including a minor, must be commenced within 2 years.

CGSA §52-584 governs negligence claims and provides:

No action to recover damages for injury to the person, or to real or personal property, caused by negligence ... shall be brought but within two years from the date when the injury is first sustained or discovered or in the exercise of reasonable care should have been discovered, and except that no such action may be brought more than three years from the date of the act or omission complained of[.]

The two-year period begins when the plaintiff suffers “actionable harm.” A plaintiff only needs to know that she has been injured and that the defendant’s conduct caused such injury.



FOR MORE INFORMATION

MORRIS JAMES LLP
Wilmington, Delaware
<https://www.morrisjames.com>

David Soldo
dsoldo@morrisjames.com

Delaware

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Delaware courts have not addressed this issue.



FOR MORE INFORMATION

SEMMES BOWEN & SEMMES
Baltimore, MD
www.semmes.com

Thomas V. McCarron
TMcCarron@semmes.com

District of Columbia

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

The statute of limitations is not tolled based on the issuance of a citation or traffic conviction in the District of Columbia. The statute of limitations is three years from the date of the accident, per DC ST § 12-301(a)(3).



FOR MORE INFORMATION

MCDONALD TOOLE RICHMAN &
CORRENTI
Orlando, Florida
www.mtrclegal.com

Florida

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No.

Philip Kegler
pkegler@mtrclegal.com

Jessica Kennedy
jkennedy@mtrclegal.com

Georgia

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Yes. The statute of limitations for tort claims is tolled from the date of the citation or date of loss to the conclusion of the prosecution of the citation (generally when the citation is disposed of by guilty plea or no contest plea) or the citation is otherwise terminated, provided that such time does not exceed six years.^{xviii}

The tolling period applies to any claim that arises out of “the facts and circumstances relating to the commission of [an] alleged crime”.^{xix} Thus, in cases where a citation is issued to anyone other than a plaintiff, the plaintiff’s claims against all defendants are tolled regardless of whether the defendant was issued a citation.^{xx} “In other words, the tolling statute applies even though the defendant in the tort action is not the individual accused of committing the crime from which the cause of action arises.”^{xxi} However, the statute is not tolled due to the plaintiff being issued a citation.^{xxii}

David H. Wilson

Dwilson@hpylaw.com

Garret J. Drogosch

Gdrogosch@hpylaw.com

HUNTER MACLEAN

Savannah, Georgia

huntermaclean.com

Taylor L. Dove

tdove@huntermaclean.com



FOR MORE INFORMATION

SCANLAN GRIFFITHS + ALDRIDGE
Boise, Idaho
sgaidaho.com

Joseph M. Aldridge
jma@sgsaidaho.com

Jaime L. Matier
jlm@sgaidaho.com

Idaho

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No.

Illinois

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. The statute of limitations for civil personal injury or wrongful death actions is not tolled by the mere issuance of a traffic citation or entry of a traffic conviction.

"Illinois law is clear that, as a general rule, the statute of limitations continues to run unless tolling is authorized by a statute." *IPF Recovery Co. v. Illinois Insurance Guaranty Fund*, 356 Ill. App. 3d 658, 665 (1st Dist. 2005).

The applicable statutes provide that personal injury and wrongful death actions must be commenced within two years of the injury or death. 735 ILCS 5/13-202; 740 ILCS 180/2; *Del Bianco v. American Motorists Ins. Co.*, 73 Ill. App. 3d 743, 747-48 (1979). Neither explicitly authorize the tolling of the limitations period based on the issuance of a citation or traffic conviction.

The only exception that exists is for wrongful death claims where the defendant is charged with murder, manslaughter, or reckless homicide. In such cases, the limitations period may be extended, allowing the action to be filed within one year after the final disposition of the related criminal proceeding. 740 ILCS 180/2(d).

In summary, Illinois law generally does not permit the tolling of the limitations period for civil actions based on the issuance of a mere citation or traffic conviction. The statute of limitations is only extended in wrongful death actions when the defendant driver is charged criminally with murder, manslaughter, or reckless homicide, in which case the plaintiff may file within one year from final disposition.



Indiana

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, Indiana's statute of limitations toll is not based on additional requirements like the issuance of a citation or traffic conviction.

FOR MORE INFORMATION

LEWIS WAGNER & TRIMBLE

Indianapolis, IN

www.lewiswagner.com

Katie Strawbridge

kstrawbridge@lewiswagner.com

Leslie A. Pflieger

lpflieger@lewiswagner.com

Rob Foos

rfoos@lewiswagner.com



Iowa

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, Iowa's statute of limitations does not toll based on the issuance of a citation or traffic conviction. Statutes of limitations in Iowa are governed by Iowa Code Chapter 614. Chapter 614 is devoid of any tolling language for either the issuance of a citation or a traffic conviction. See Iowa Code §§ 614.1-38 (2025).

FOR MORE INFORMATION

WHITFIELD & EDDY, PLC
Des Moines, Iowa
www.whitfieldlaw.com

Zach J. Hermsen
hermsen@whitfieldlaw.com

Matthew D. Jacobson
jacobson@whitfieldlaw.com

Nick J. Gral
gral@whitfieldlaw.com

Bryn E. Hazelwonder
hazelwonder@whitfieldlaw.com

Anna E. Mallen
mallen@whitfieldlaw.com

Kansas

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

In Kansas, there is no statutory authority recognizing the issuance of a traffic citation or traffic conviction as a basis to toll the statute of limitations. The statute of limitations can be tolled when the defendant has absconded or concealed themselves, as well as when a defendant is under a legal disability. See K.S.A. §§ 60-515, 517.



Kentucky

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, the statute of limitations applicable to tort claims arising from motor vehicle accidents does not automatically toll based on the issuance of a citation or traffic conviction in Kentucky. Rather, tort actions that have not been abolished by the Kentucky Motor Vehicle Reparations Act are subject to a two-year statute of limitations, which accrues on the date of the plaintiff's injury or the date of the last payment of PIP benefits, whichever is later. KRS 304.39-230(6).

FOR MORE INFORMATION

STOLL KEENON OGDEN PLLC
Lexington, KY
www.skofirm.com

Palmer G. Vance II
gene.vance@skofirm.com

Matthew R. Parsons
matt.parsons@skofirm.com

Jacob Eads
Jacob.eads@skofirm.com

HARLIN PARKER ATTORNEYS
Bowling Green, KY
www.harlinparker.com

Marc A. Lovell
lovell@harlinparker.com

Justin L. Duncan
duncan@harlinparker.com



Louisiana

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

In Louisiana, the term “prescriptive period” is equivalent to what most states refer to as a statute of limitations. A traffic citation or conviction does not toll the prescriptive period for civil claims. As of July 1, 2025, Louisiana adopted a two-year prescriptive period. The prescriptive period begins on the date of loss.

FOR MORE INFORMATION

LEAKE & ANDERSSON, LLP
New Orleans, LA
leakeanderson.com

WESLEY J. LEVESQUE
wlevesque@leakeanderson.com

MISHA M. LOGAN-JOHNSON
mlogan@leakeanderson.com

MICHAEL B. GUERRY
mguerry@leakeanderson.com

CRAIG M. COUSINS
ccousins@leakeanderson.com

LOUIS P. BONNAFFONS
lbonnaffons@leakeanderson.com

ROBERT L. BONNAFFONS
rbonnaffons@leakeanderson.com



FOR MORE INFORMATION

NORMAN, HANSON & DETROY
Portland, ME
www.nhdlaw.com

Jonathan W. Brogan
jbrogan@nhdlaw.com

Kelly M. Hoffman
khoffman@nhdlaw.com

Maine

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No.



FOR MORE INFORMATION

SEMMES BOWEN & SEMMES
Baltimore, MD
www.semmes.com

Thomas V. McCarron
TMcCarron@semmes.com

Maryland

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Under MD Code, Courts and Judicial Proceedings, § 5-101, the statute of limitations begins running from the date of the accident and is three years. Issuance of citations or traffic convictions do not toll this statute of limitations.



FOR MORE INFORMATION

PLUNKETT COONEY

Detroit, MI

<https://www.plunkettcooney.com>

Shantinique Brooks

sbrooks@plunkettcooney.com

Michigan

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. ^{vii}



FOR MORE INFORMATION

NILAN JOHNSON LEWIS PA
Minneapolis, Minnesota
<https://nilanjohnson.com/>

Minnesota

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Minnesota statute section 541.15 governs the tolling of Minnesota's statutes of limitations in civil cases and Minnesota statute section 628.26 governs the tolling in criminal cases. Citations or traffic convictions do not toll the statute of limitations in either civil or criminal cases in this state.

Sheila T. Kerwin
skerwin@nilanjohnson.com

Stan Siegel
ssiegel@nilanjohnson.com

Kelly P. Magnus
kmagnus@nilanjohnson.com

Erika McClintock
emcclintock@nilanjohnson.com



FOR MORE INFORMATION

DANIEL COKER HORTON & BELL
Oxford, Mississippi
www.danielcoker.com

Robert F. Stacy, Jr., Esq.
rstacy@danielcoker.com

Mississippi

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, not in the civil context.

Missouri

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. The statute of limitations applicable to actions for personal injury and property damage, Mo. REV. STAT. § 516.170, and the statute of limitations applicable to actions for wrongful death, Mo Rev. Stat. § 537.100, do not toll based on the issuance of a citation or traffic conviction. No court in Missouri has interpreted statutes of limitation to toll based on such factors.



FOR MORE INFORMATION

HALL & EVANS, LLC
Billings & Missoula, MT
www.hallevans.com

Brian Taylor
taylorb@hallevans.com

Jill Gerdrum
gerdrumj@hallevans.com

Trevor Uffelman
uffelmant@hallevansl.com

MONTANA

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

The statute of limitations toll does not rely on the issuance of a citation nor a traffic conviction. Instead, a three-year statute of limitation exists for personal injury actions starting on the date of accrual. That accrual occurs when the injury and cause are known or should have been known by the exercise of reasonable diligence.



FOR MORE INFORMATION

BAYLOR EVNEN WOLFE &
TANNEHILL, L.L.P.
Lincoln, Nebraska
<http://baylorevnen.com/>

Nebraska

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. There is no statute or caselaw in Nebraska indicating that the statute of limitations for personal injury or wrongful death suits is tolled based on the issuance of a citation or traffic conviction.

Jarrod P. Crouse
jcrouse@baylorevnen.com

J. Michael Hannon
jmhannon@baylorevnen.com

Nevada

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

The issue is whether the statute of limitations for civil claims in Nevada is tolled by the issuance of a traffic citation or the outcome of related proceedings. While a citation tolls the limitations period for criminal prosecution, it does not toll the time to bring civil claims. In Nevada, civil claims related to a traffic stop accrue when the *incident* occurs, not when the citation is resolved or further evidence is obtained.

Lance G. Eberhart, Esq.
eberhartl@hallefans.com

Paul T. Yarbrough, Esq.
yarbroughp@hallefans.com

Kurt R. Bonds, Esq.
bondsk@hallefans.com

I. Statute of Limitations in Nevada for Criminal and Traffic Matters

For most misdemeanors, including routine traffic violations, Nevada law provides a one- or two-year statute of limitations for the State to initiate prosecution. However, once a citation is issued, this period of limitations effectively stops running because the citation itself acts as the formal charging document.

Under Nevada law, a citation constitutes the commencement of prosecution. This is supported by Nev. Rev. Stat. § 171.1775, which provides that the issuance of a traffic citation is deemed a lawful commencement of criminal proceedings. As a result, once the citation is issued, the statute of limitations no longer prevents the government from proceeding with the case. The deadline to file the charges is therefore satisfied as soon as the ticket is written and delivered.

Key Statutes Include:

- Nev. Rev. Stat. § 171.090: Establishes a two-year limitation period for gross misdemeanors, and a one-year limitation period for any other misdemeanors.
- Nev. Rev. Stat. § 171.1775: Confirms that prosecution for a misdemeanor traffic offense can commence with the issuance of a citation.
- Nev. Rev. Stat. § 484A.620, 484A.630, and 484A.7031: These statutes outline traffic enforcement procedures and define how citations and court appearances are processed.
- Nev. Rev. Stat. § 11.190: Provides the limitations periods for various civil actions, including two years for personal injury and tort-related claims.

Nevada

II. *Mwithiga v. Pierce*

In *Mwithiga v. Pierce*, the court held that neither the issuance of a traffic citation nor the resolution of related administrative or court processes tolls the statute of limitations for civil claims. The plaintiff filed suit more than two years after a traffic stop during which he received a citation. He argued that the statute of limitations should not begin until he received the bodycam footage related to the incident or until external investigations concluded, as these gave him a full understanding of the harm and potential misconduct suffered. The court rejected this view.

The court applied the rule that a civil claim accrues when the plaintiff knows or reasonably should know of the injury giving rise to the claim. For both federal civil rights claims and state tort claims, the limitations period begins to run at the time of the alleged wrongful act, not when the plaintiff later uncovers additional facts or discriminatory motives. In this case, the alleged injury occurred during the traffic stop when the citation was issued. Since the complaint was filed after the two-year window, the claims were dismissed as untimely. The court concluded that neither the later receipt of evidence nor the pursuit of administrative remedies delayed the accrual of the civil claims.

III. Application: Civil Litigation

In civil litigation, the limitations period is based on when the injury occurred and was known or should have been known to the plaintiff. As clarified in *Mwithiga*, the mere fact that a citation was issued or that the matter was later dismissed does not delay the start of the limitations clock for civil claims. Nor does the discovery of additional facts about the officer's motive or departmental investigations alter the accrual date. In short, the tolling rules applicable to Nevada's ability to prosecute traffic offenses do not extend to toll the time in which a plaintiff must bring a related civil lawsuit.

Lance G. Eberhart, Esq.
eberhartl@hallelevans.com

Paul T. Yarbrough, Esq.
yarbroughp@hallelevans.com

Kurt R. Bonds, Esq.
bondsk@hallelevans.com



FOR MORE INFORMATION

WADLEIGH, STARR & PETERS, PLLC
Manchester, New Hampshire
wadleighlaw.com

New Hampshire

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

New Hampshire's statute of limitations for personal actions, RSA 508:4, does not permit tolling based on the issuance of a citation or traffic conviction.

Tierney M. Chadwick
tchadwick@wadleighlaw.com

Michael G. Eaton
meaton@wadleighlaw.com



FOR MORE INFORMATION

GERMAN, GALLAGHER & MURTAGH,
P.C.
Philadelphia, PA
Cherry Hill, NJ
www.ggmfirm.com

New Jersey

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, issuance of a traffic citation does not toll the statute of limitations on any tort or contract claims that might arise from the underlying violation.

Matthew J. McColgan
mccolganm@ggmfirm.com



FOR MORE INFORMATION

BUTT THORNTON & BAEHR PC
Albuquerque, New Mexico
www.btblaw.com

Charles B. Kraft
cbkraft@btblaw.com

Monica R. Garcia
mrgarcia@btblaw.com

Ryan T. Sanders
rtsanders@btblaw.com

New Mexico

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

The statute of limitation in New Mexico does not toll based on the issuance of a citation or traffic conviction.



FOR MORE INFORMATION

YOUNG MOORE AND HENDERSON, P.A.
RALEIGH, NC
www.youngmoorelaw.com

North Carolina

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, in North Carolina the statute of limitations is not tolled based on the issuance of a citation or traffic conviction. The statute of limitations for civil claims will typically keep running unless a specific tolling statute applies. For example, in certain sexual abuse claims, criminal prosecution may extend the civil filing period. See N.C. Gen. Stat. § 1-17(d). Citations and/or traffic convictions, however, do not operate to toll the statute of limitations.

David M. Duke

David.Duke@youngmoorelaw.com

Andrew D. Webster

Andy.Webster@youngmoorelaw.com

Anderson H. Phillips

Anderson.Phillips@youngmoorelaw.com

Rachel O. Laughery

Rachel.Laughery@youngmoorelaw.com

Elaine M. Moyer

Lainey.Moyer@youngmoorelaw.com

Angela Farag Craddock

Angela.Craddock@youngmoorelaw.com

North Dakota

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

In North Dakota, the statute of limitations for criminal cases, including traffic offenses, stop running when formal charges are filed with the court (such as complaint, indictment, or information), not merely when a citation is issued or a conviction occurs. Under *North Dakota Century Code (N.D.C.C) S 29-04-05, "(a)* prosecution is commenced when a uniform complaint and summons, a complaint, or an information is filed or when a grand jury indictment is returned." This means that the filing of charges with the court whether by complaint, information, or indictment stops the statute of limitations clock, while the mere issuance of a traffic citation does not.

Lance G. Eberhart, Esq.
eberhartl@hallevans.com

Paul T. Yarbrough, Esq.
yarbroughp@hallevans.com

The length of the limitation period depends on the type of offense for felonies (other than murder), the applicable time limit is set by *North Dakota Century Code (N.D.C.C) S 29-04-02*, which requires prosecution to begin within three years after the offense is committed, unless otherwise provided by law. For misdemeanors or infractions, *North Dakota Century Code (N.D.C.C) S 29-04-03* requires prosecution to begin within two years after the offense. The clock starts on the date the offense occurs.

A conviction is also irrelevant to tolling because it occurs after the statute has already been tolled by the filing of charges. The statute of limitation may also be paused under other circumstances, such as when a defendant is absent from the state or deliberately conceals themselves to avoid prosecution, importantly, the limitations period begins running from the date the offense was committed, and it only the formal charging document not a citation issued by law enforcement that has the legal effect of pausing that period.

In North Dakota, receiving traffic citation or being convicted of a traffic offense does not toll, or pause, the statute of limitation for a related civil personal injury case. To preserve the claim, a plaintiff must begin civil action by serving summons on the defendant within the time allowed law.

Key statutes and rules include:

North Dakota Century Code (N.D.C.C) S 28-01-38 and North Dakota Rule of Civil Procedure 3 (N.D.R. Civ. P.3) a civil action is deemed commenced when a summons is served on the defendant. The issuance of a traffic ticket or a criminal conviction does not qualify as commencing a civil action.

According to *North Dakota Century Code (N.D.C.C) S 28-01-16*, the statute of limitation for most personal injury claims, including those arising from motor vehicle accidents, is six years from the date of the injury.

A traffic citation and conviction are part of the state's criminal or administrative process against the driver, while a personal injury lawsuit is a separate civil action by a private party seeking damages. The statute of limitation for the state's prosecution of a traffic offense does not affect the independent timeline governing civil personal injury claims.



FOR MORE INFORMATION

FRANDEN FARRIS QUILLIN
GOODNIGHT ROBERTS & WARD
Tulsa, Oklahoma
www.tulsalawyer.com

Jason Goodnight

jgoodnight@tulsalawyer.com

Jill J. Walker

jwalker@tulsalawyer.com

Kelsey R. Payton

kpayton@tulsalawyer.com

Oklahoma

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. In Oklahoma, the statute of limitations is not tolled by the issuance of a citation or a traffic conviction. Under 12 O.S. § 95, the limitations period for personal injury actions runs for two years from the date of loss. The same two-year period applies to wrongful death and property damage claims arising from a motor vehicle accident.



FOR MORE INFORMATION

COSGRAVE VERGEER KESTER LLP
Portland, Oregon
www.cosgravelaw.com

Oregon

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. Generally, the statute of limitations tolls only for minority, incapacitation, and if a defendant is out of the state. ORS 131.145. If defendant is not a minor, incapacitated, or out of state, the time starts to run on the day the offense was committed.

Nicole Nowlin

nnowlin@cosgravelaw.com

Amber Beyer

abeyer@cosgravelaw.com

Kyle Rohrer

krohrer@cosgravelaw.com

Pennsylvania

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. Pennsylvania has enacted a few ways to toll the running of the statute of limitations. Specifically, the discovery rule and the doctrine of fraudulent concealment both work to toll the running. *Fine v. Checcio*, 582 Pa. 253, 266 (2005). The discovery rule originated in cases in which the injury or its cause was neither known nor reasonably knowable. *Id.* The purpose of the discovery rule has been to exclude from the running of the statute of limitations that period of time during which a party who has not suffered an immediately ascertainable injury is reasonably unaware he has been injured, so that he has essentially the same rights as those who have suffered such an injury. *Id.* at 267.

Additionally, the doctrine of fraudulent concealment can serve to toll the statute of limitations. *Id.* at 271. This doctrine is based on a theory of estoppel, and provides that the defendant may not invoke the statute of limitations, if through fraud or concealment, he causes the plaintiff to relax his vigilance or deviate from his right of inquiry into the facts. *Id.* The doctrine does not require fraud in the strictest sense encompassing an intent to deceive, but rather, fraud in the broadest sense, which includes an unintentional deception. *Id.*

While these doctrines serve to toll the statute of limitations, the mere issuance of a traffic conviction or citation would not freeze the passage of time for which to bring a lawsuit.

Matthew J. McColgan, Esq.
mccolganm@ggmfirm.com

Joseph N. Persichetti, Esq.
persichettij@ggmfirm.com

Rhode Island

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No. The Rhode Island Supreme Court has held that “a cause of action accrues and the applicable statute of limitations begins to run at the time of the injury to the aggrieved party. Polanco v. Lombardi, 231 A.3d 139, 145 (R.I. 2020) (quoting Boudreau v. Automatic Temp. Controls, Inc., 212 A.3d 594, 600 (R.I. 2019) (internal quotation marks omitted)); see also Hill v. Rhode Island State Employees Retirement Board, 935 A.2d 608, 616 (R.I. 2007) (holding courts “need not look to when every alleged injury accrued, only when injury first accrued to plaintiffs.”).



FOR MORE INFORMATION

CLEMENT RIVERS, LLP
Charleston, SC
www.ycrlaw.com

Duke R. Highfield
dhighfield@ycrlaw.com

Victoria L. Anderson
tanderson@ycrlaw.com

South Carolina

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, South Carolina's statute of limitations is not tolled based on the issuance of a traffic citation or the resolution of a traffic-related conviction. The tolling of statutes of limitations in South Carolina is governed by specific statutory provisions, none of which explicitly address tolling in the context of traffic citations or convictions. ^{xxii}



FOR MORE INFORMATION

NILAN JOHNSON LEWIS PA
Minneapolis, Minnesota
www.nilanjohnson.com

South Dakota

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

South Dakota Statute Section 15-2-25 governs the tolling of South Dakota's statutes of limitations. Citations or traffic convictions do not toll the statute of limitations in either civil cases in this state.

Sheila T. Kerwin
skerwin@nilanjohnson.com

Stan Siegel
ssiegel@nilanjohnson.com

Kelly P. Magnus
kmagnus@nilanjohnson.com

Erika McClintock
emcclintock@nilanjohnson.com



FOR MORE INFORMATION

LEITNER, WILLIAMS, DOOLEY &
NAPOLITAN, PLLC
Chattanooga, TN
www.leitnerfirm.com

Tennessee

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Yes. A citation for violation of a state statute is considered a "criminal charge" that extends the personal injury statute of limitations from one year to two years pursuant to Tenn. Code Ann. § 28-3-104(a)(2). See *Younger v. Okbahhanes*, 632 S.W.3d 531, 537 (Tenn. Ct. App. 2021). The statute of limitations is not extended if the citation is only for violation of a municipal ordinance.

Alan Easterly

alan.easterly@leitnerfirm.com

LEWIS THOMASON

Nashville, TN

<https://www.lewisthomason.com>

Mary Beth White

mbwhite@lewisthomason.com

LEWIS THOMASON

Knoxville, TN

<https://www.lewisthomason.com>

David Chapman

dchapman@lewisthomason.com

Ben Jones

bjones@lewisthomason.com

Texas

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, Texas does not automatically toll the civil statute of limitations simply because of the issuance of a traffic citation or conviction.

- In Texas, the civil timeline runs independently of any traffic proceeding.
- In rare cases, **equitable tolling** or **delayed discovery** doctrines might extend the time to file, but these are narrow exceptions that must be proven by the plaintiff.
- Texas courts recognize **equitable tolling** in rare circumstances, such as the plaintiff being misled or prevented from filing suit, the defendant actively concealed the wrongdoing, or there was a legal impediment to filing.
- Texas courts may toll the statute of limitations under a theory of **delayed discovery** if a defendant's conduct concealed facts essential to the claim.
- A plaintiff may argue for tolling under a theory of equitable tolling or delayed discovery, but merely waiting for a conviction or a citation to resolve is not enough to toll the statute of limitations.

NAMAN HOWELL

Austin, Texas

San Antonio, Texas

Waco, Texas

<https://www.namanhowell.com>

Madison Preston

mpreston@namanhowell.com

John Gomez

jgomez@namanhowell.com

MULLIN HOARD & BROWN, LLP

Amarillo, Texas

<https://mullinboard.com>

Chris Weber

cwebber@mhba.com

**QULLING, SLEANDER, LOWNDS,
WINSLETT & MOSER, P.C.**

Dallas, Texas

<https://qslwm.com>

Ryan Funderburg

rfunderburg@qslwm.com

MAYER LLP

Houston, Texas

<https://www.mayerllp.com>

Kathy Ward

kward@mayerllp.com

KEMP SMITH LLP

El Paso, Texas

<https://www.kempsmith.com>

Sebastian Uribe

sebastian.uribe@kempsmith.com



FOR MORE INFORMATION

HALL & EVANS, LLC
Salt Lake City, Utah
www.hallelevans.com

Lance G. Eberhart
eberhartl@hallelevans.com

UTAH

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

Utah statutes of limitations may toll for a variety of reasons, but we lack precedent specifically saying that the issuance of a citation or traffic conviction are among those conditions.

Vermont

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

There are no statutes specifically stating that the statute of limitations is tolled based on the issuance of a citation or traffic conviction. Likewise, at present, there are no Vermont Supreme Court or reported appellate decisions specifically addressing the issue of whether the statute of limitations is tolled based on the issuance of a citation or traffic conviction. However, in general, Vermont courts have applied the statute of limitations according to the controlling statutory provisions (see 12 V.S.A. § 511 et seq.) and have not recognized such tolling absent explicit legislative authority.

For example, in *Smith v. Besette*, 117 Vt. 79 (1952), the Vermont Supreme Court reaffirmed the principle that the statute of limitations is strictly construed and begins to run from the time the cause of action accrues, unless a specific statutory exception applies. Therefore, it is unlikely that the Vermont statute of limitations is tolled based on the issuance of a citation or traffic conviction.



FOR MORE INFORMATION

MCCANDLISH HOLTON
Richmond, Virginia
lawmh.com

Cameron Beck
cbeck@lawmh.com

Hunter Douglas Reed
hreed@lawmh.com

Virginia

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

No, Virginia does not toll statute of limitations based on the issuance of a citation or traffic conviction. A statute of limitations period may be tolled during criminal proceedings. Va. Code § 8.01-229(K). However, traffic violations are deemed to be violations of public order and are not criminal in nature. Va. Code § 18.2-8.

Wisconsin

State-Specific Statutory Triggers and Tolling

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

- The statute of limitations for personal injury in a motor vehicle accident matter is 3 years, however, if the claim is wrongful death, the statute of limitations is 2 years. Wis. Stat. § 893.54
- No, the statute of limitations is not tolled based on the issuance of a citation.

Wyoming

Does your state's statute of limitations toll based on the issuance of a citation or traffic conviction?

- No, Wyoming does not toll its 4 year negligence or 2 year wrongful death statute of limitations based upon issuance of a citation or traffic conviction.

Lance G. Eberhart, Esq.
eberhartl@hallefans.com

Paul T. Yarbrough, Esq.
yarbroughp@hallefans.com

Kurt R. Bonds, Esq.
bondsk@hallefans.com