Alabama's 2-Year Statute of Limitations for Injury Claims

Why the Filing Deadline Matters More Than Most Injury Victims Realize

Someone injured in a crash on I-65 or Airport Boulevard in Mobile often assumes there's plenty of time to sort out a claim once medical treatment settles down. Insurance negotiations drag on, medical bills pile up, and months pass before anyone thinks seriously about a lawsuit. But Alabama law gives injury victims a hard 2-year window to file suit, and once that window closes, a claim can be dismissed entirely, regardless of how clear the fault was or how serious the injuries turned out to be. A Mobile car accident lawyer sees this play out often enough that the deadline itself becomes as important to track as the injury and the insurance claim combined.

The 2-Year Rule and When the Clock Actually Starts

Alabama Code sets the general statute of limitations for personal injury claims at two years. That deadline applies to most negligence-based injury cases, including car accidents, truck accidents, motorcycle crashes, and slip and fall claims.

The clock generally starts running on the date of the injury itself, known as the accrual date, not the date treatment concludes or the date a claim gets submitted to an insurance company. A crash that happens on a Tuesday starts the two-year countdown that same Tuesday, even if the injured person spends the next several months in physical therapy or negotiating with an adjuster who has not yet made a final offer.

This two-year window applies broadly, but it is not universal. Several circumstances change how, and when, that clock actually runs.

When the Deadline Isn't Actually Two Years

Treating every injury claim as though it runs on the same flat 2-year timeline is one of the more costly assumptions an injury victim can make. Several legal exceptions shift, pause, or shorten that window depending on who is being sued, how old the victim was at the time of injury, or what kind of harm occurred.

- **Wrongful Death Claims Follow a Separate Statute:** Alabama's wrongful death act, Ala. Code, also sets a two-year deadline, but that clock runs from the date of death rather than the date of the underlying injury, which can create a different filing date entirely when someone survives an injury for months before passing away.
- **Claims Against Government Entities Move Much Faster:** Alabama law generally requires a formal notice of claim to be filed within 6 months when a county or municipal entity is involved, cutting the effective deadline down dramatically compared to a standard negligence claim.

- **Minors Get the Clock Paused Until Adulthood:** Alabama law tolls the statute of limitations for injury victims who were under 19 at the time of the injury, meaning their individual two-year window does not begin until they turn 19.
- **A Defendant's Fraud or Concealment Can Extend the Deadline:** When a defendant actively conceals their role in causing an injury, Alabama courts have tolled the statute of limitations until that concealment is discovered, though this exception is applied narrowly and requires strong evidence.

Every one of these exceptions changes the actual filing deadline in a way that a general two-year assumption would miss entirely, which is exactly why the specific facts of a case, not a rule of thumb, determine when time actually runs out.

What Happens If the Deadline Is Missed

Once Alabama's statute of limitations expires, a defendant can raise it as a complete legal defense, and a court will typically dismiss the case regardless of how strong the underlying evidence of fault was. A driver who ran a red light and caused a catastrophic injury faces no legal consequence at all if the lawsuit gets filed one day after the deadline passes.

Insurance companies are aware of these deadlines, and some slow-walk settlement negotiations specifically because a stalled negotiation with no lawsuit filed benefits their bottom line. An injury victim who spends 18 months negotiating informally, trusting that a fair offer is coming, can lose all legal leverage and all recourse if that negotiation collapses within a few months of the two-year mark. At that point, filing suit becomes a race against a deadline that leaves little room for the kind of case preparation a serious injury claim actually requires.

Why Alabama's Contributory Negligence Rule Raises the Stakes Even Further

Alabama is one of a small number of states that still follows a pure contributory negligence rule, meaning an injury victim found even 1% at fault can be barred from recovering anything at all. Waiting too long to file suit does not just risk missing the statutory deadline. It also gives an insurance company more time to build an argument that the injured person shares some percentage of fault for the crash.

Evidence supporting who was actually at fault degrades quickly. Witness memory fades, surveillance footage gets overwritten on standard retention cycles, and physical evidence at the scene disappears within days. A claim that looks straightforward immediately after a crash can turn into a contested fight over fault a year later, once the evidence that would have settled the question outright is no longer available.

Why Filing Early, Not Just on Time, Protects a Claim's Value

Meeting the 2-year deadline is the legal minimum, not the strategic goal. Evidence preservation, medical documentation, and witness availability all favor moving well before that date arrives, since every month of delay is a month where supporting evidence can disappear.

A spoliation letter sent to a trucking company or business shortly after a crash can legally preserve surveillance footage, maintenance logs, or driver records that would otherwise be deleted or overwritten long before a claim ever nears its filing deadline. Waiting until close to the 2-year mark to take that step often means the evidence needed to prove fault is already gone, regardless of how much time technically remains on the clock.

Don't Hesitate. Protect Your Claim Before Time Runs Out.

An injury victim in Mobile or along the Gulf Coast deserves a real answer about how much time they actually have, not a rough guess based on a general rule. Dean Waite & Associates, LLC has spent over 25 years combined between attorneys Dean Waite and Chase Davis handling serious injury cases across Mobile, Baldwin County, and the broader Gulf Coast region, including a $6,750,000 truck accident settlement built on evidence our team moved quickly to preserve before it could disappear. We take on the insurance companies directly and don't let a stalled negotiation put a client's legal deadline at risk. There is no fee owed unless we recover compensation on your behalf. If you or someone you love was injured in an Alabama accident,