

# Statutes of Limitations: Kentucky

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A Q&A guide to the statutes of limitations in Kentucky for several commercial claims. Answers to questions can be compared across a number of jurisdictions (see [Statutes of Limitations: State Q&A Tool](#)).

Following the suspension or modification of nonessential judicial functions in 2020 due to COVID-19, Kentucky courts have resumed most operations, but local courts may impose special rules impacting some litigation (such as remote proceedings). Check the [Kentucky Court of Justice: COVID-19 and the Courts](#) website for the latest developments in this jurisdiction.

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## Account Stated

1. What is the statute of limitations for an account stated claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for an account stated claim is five years ([KRS 413.120\(9\)](#), [\(10\)](#)).

## Accrual Date

The limitations period starts to run:

- For an action on a merchant's account, from January 1 of the year following the respective delivery dates of the articles charged in the account ([KRS 413.130\(1\)](#)).
- For an action to recover a balance due on a mutual open and current account concerning the trade of merchandise between merchant and merchant or their agents, where there have been reciprocal demands between the parties, from the time of the last item proved in the account claimed or proved to be chargeable on the adverse side ([KRS 413.130\(2\)](#)).

## Antitrust

2. What is the statute of limitations for an antitrust claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for an antitrust claim is five years ([KRS 413.120\(2\)](#)).

Antitrust is a violation under Kentucky Consumer Protection Act (KCPA) ([KRS 367.175](#)). However, the limitations period specified in the KCPA only applies to acts described in [KRS 367.170](#) ([KRS 367.170](#) and [367.220](#)). Because the specific limitations period in [KRS 367.220](#) does not apply to antitrust violations, the general five-year limitations period for liability created by statute applies ([KRS 413.120\(2\)](#)).

## Accrual Date

No Kentucky case addresses when the limitations period starts to run for an antitrust claim. However, Kentucky's antitrust law is based on the federal **Sherman Antitrust Act** (see *Mendell v. Golden-Farley of Hopkinsville, Inc.*, 573 S.W.2d 346, 348-49 (Ky. Ct. App. 1978)).

Because an antitrust claim under the Sherman Act generally accrues when the anti-competitive conduct injures the plaintiff, Kentucky courts should follow the federal interpretation (*Zenith Radio Corp. v. Hazeltine Research*, 401 U.S. 321, 338-39 (1971); see *Brown v. Student Loan Xpress, Inc.*, 2012 WL 1029467, at \*6 (W.D. Ky. Mar. 26, 2012) (analyzing federal and Kentucky law)).

## Breach of Contract

3. What is the statute of limitations for a breach of contract claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations is:

- Five years for contracts not in writing ([KRS 413.120\(1\)](#)).
- Ten years for written contracts executed after July 15, 2014 ([KRS 413.160](#)).
- 15 years for written contracts executed before July 15, 2014 ([KRS 413.090\(2\)](#)).
- Four years for contracts for the sale of goods under the **Uniform Commercial Code**. By the original agreement the parties may reduce the limitations period to not less than one year but may not extend it. ([KRS 355.2-725\(1\)](#).)

## Accrual Date

The limitations period starts to run when the breach occurs, regardless of the aggrieved party's lack of knowledge of the breach ([KRS 355.2-725\(2\)](#); *Sandy Valley & E. Ry. Co. v. Hughes*, 205 S.W. 607, 608 (Ky. Ct. App. 1918)).

## Breach of Fiduciary Duty

4. What is the statute of limitations for a breach of fiduciary duty claim in your jurisdiction?

### Limitations Period

In Kentucky, the statute of limitations for a breach of fiduciary duty claim is five years ([KRS 413.120\(6\)](#); *Ingram v. Cates*, 74 S.W.3d 783, 787 (Ky. Ct. App. 2002)).

Applying [KRS 413.120\(6\)](#) to breach of fiduciary duty claims is also supported by the five-year statute of limitations in [KRS 386B.10-050\(4\)](#) for claims by a beneficiary against a trustee. Kentucky trustees owe beneficiaries a fiduciary duty (*Appleby v. Buck*, 351 S.W.2d 494, 496 (Ky. Ct. App. 1961)).

### Accrual Date

Kentucky state courts have not decided when the limitations period starts to run for a breach of fiduciary duty claim (see *Ingram*, 74 S.W.3d at 787). However, a federal court has held that the limitations period for a breach of fiduciary duty claim starts to run when the breach occurs (*Rich & Rich P'ship v. Poetman Records USA, Inc.*, 714 F. Supp. 2d 657, 668 (E.D. Ky. 2010) (applying Kentucky law)).

## Breach of Warranty

5. What is the statute of limitations for a breach of warranty claim in your jurisdiction?

### Limitations Period

In Kentucky, the statute of limitations for a breach of warranty claim is three years ([KRS 355.3-118\(7\)\(b\)](#)).

## Accrual Date

The limitations period starts to run when the breach occurs, regardless of the aggrieved party's lack of knowledge. A breach of warranty occurs when either:

- A party tenders delivery.
- The breach is or should have been discovered if a warranty extends to future performance of the goods.

(KRS 355.2-725(2).)

## Consumer Protection Statutes

6. What is the statute of limitations for a consumer protection claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for a consumer protection claim is the later of:

- Two years after a violation of [KRS 367.170](#).
- One year after any action by the [Kentucky attorney general](#) terminates.

(KRS 367.220(5).)

## Accrual Date

The limitations period starts to run when the violation of [KRS 367.170](#) occurs or, if the attorney general commences an action, when an action by the attorney general terminates (see *Garvin v. Ethicon, Inc.*, 616 F. Supp. 3d 658, 675 (W.D. Ky. 2022) (citing [KRS 367.220\(5\)](#))).

## Conversion

7. What is the statute of limitations for a conversion claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations is:

- Three years for conversion of an instrument, for money had and received, or a similar action based on conversion ([KRS 355.3-118\(7\)\(a\)](#)).
- Two years for conversion of property by a personal representative of an estate ([KRS 396.205](#)).
- One year for an action to recover stolen property by the owner against any person possessing the property ([KRS 413.140\(1\)\(i\)](#)).
- One year for an action to recover damages or the value of stolen property against the thief or any accessory ([KRS 413.140\(1\)\(j\)](#)).

## Accrual Date

The limitations period starts to run:

- For conversion of an instrument, on the date of conversion (*Tri-County Nat'l Bank v. Greenpoint Credit, LLC*, 190 S.W.3d 360, 363 (Ky. Ct. App. 2006)).
- For conversion of property by a personal representative, on the date of the order discharging the personal representative ([KRS 396.205](#)). For example, this may be the date of final settlement of the estate (*Mefford v. Swinney*, 2007 WL 2285407, at \*4 (Ky. Ct. App. Aug. 10, 2007)).
- For recovery of stolen property, on the date the owner finds the property ([KRS 413.140\(5\)](#)).
- For recovery of damages or the value of stolen property, on the date of discovery of the liability ([KRS 413.140\(6\)](#)).

## Employment Matters

8. What is the statute of limitations for employment matters in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations is five years for:

- Civil rights claims under the Kentucky Civil Rights Act ([KRS 344.010 to 344.990](#)) (KCRA) generally (see *Ammerman v. Bd. of Educ.*, 30 S.W.3d 793, 798 (Ky. 2000)). This includes, for example, employment discrimination and retaliation claims for actions on liability created by a statute that does not contain its own limitations period (*Walker v. Ky. Educ. TV*, 503 S.W.3d 165, 172 (Ky. Ct. App. 2016)).
- General wage and hour claims under the Kentucky Wage and Hour Act ([KRS 337.010 to 337.994](#)) (KWA) for actions on liability created by a statute that does not contain its own limitations period (*Metro Louisville/Jefferson Cnty. Gov't v. Abma*, 326 S.W.3d 1, 6 (Ky. Ct. App. 2009)).
- Wrongful discharge for actions on liability created by a statute that does not contain its own limitations period (*Bednarek v. United Food & Commercial Workers Int'l Union*, 780 S.W.2d 630, 632 (Ky. Ct. App. 1989)).

([KRS 413.120\(2\)](#).)

However, the statute of limitations is six months for KWA claims based on:

- Violations of [KRS 337.420 to 337.433](#).
- Retaliation under [KRS 337.990\(11\)](#).

([KRS 337.430](#).)

## Accrual Date

The limitations period starts to run for:

- Employment discrimination and retaliation claims under the KCRA, on the date the discrimination or retaliation occurs. For continuing violations, principles of equity allow the limitations period to run anew for each succeeding discriminatory or retaliatory act. (*Walker*, 503 S.W.3d at 172.)
- Violations of the KWA, when the employee knows or reasonably should know of the violation, subject to equitable tolling principles under [KRS 413.190](#) (*Day v. Air Methods Corp.*, 2017 WL 4781863, at \*4-5 (E.D. Ky. Oct. 23, 2017); see [Question 24: Absence from the State and Concealing Oneself](#)).

- Wrongful discharge for pursuing a claim under the Kentucky Workers' Compensation Act, on the date of discharge (*Bednarek*, 780 S.W.2d at 632).

## Enforcement of Judgments

9. What is the statute of limitations for enforcing a judgment in your jurisdiction?

### Limitations Period

In Kentucky, the statute of limitations for enforcing a judgment is 15 years ([KRS 413.090\(1\)](#)).

### Accrual Date

The limitations period starts to run on the date of the last execution on the judgment ([KRS 413.090\(1\)](#)).

## Fraud

10. What is the statute of limitations for a fraud claim in your jurisdiction?

### Limitations Period

In Kentucky, the statute of limitations for a fraud claim is five years ([KRS 413.120\(11\)](#)).

### Accrual Date

The limitations period starts to run on the date of the discovery of the fraud. However, the action must be commenced within ten years after either:

- The contract is made.



- The perpetration of the fraud.

(KRS 413.130(3).)

## Fraudulent Concealment

11. What is the statute of limitations for a fraudulent concealment claim in your jurisdiction?

Under Kentucky law, fraudulent concealment is not a claim but a tolling principle (see [Question 24: Fraudulent Concealment of Claims](#)).

## Insurance Bad Faith

12. What is the statute of limitations for an insurance bad faith claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations is:

- Two years for first-party claims under the Kentucky Consumer Protection Act ([KRS 367.220\(5\)](#)).
- Five years for first and third-party claims under the Kentucky Unfair Claims Settlement Practices Act (UCSPA) for actions on liability created by a statute that does not contain its own limitations period ([KRS 304.12-230](#) and [413.120\(2\)](#); *United States Liab. Ins. Co. v. Watson*, 626 S.W.3d 569, 575 (Ky. 2021)).

No Kentucky statute or case addresses the statute of limitations for common law claims, which are solely first-party claims.

## Accrual Date

There is no clear Kentucky law on when the statute of limitations starts to run for insurance bad faith claims. Other states allow a claim when the insurer denies coverage, and Kentucky would likely follow this standard. (See [Combs v. Int'l Ins. Co.](#), 163 F.

Supp. 2d 686, 692-96 (E.D. Ky. 2001) (applying the [KRS 413.120\(2\)](#) five-year limitations period for a bad faith claim under the UCSPA; commenced with a denial of coverage claim under New York law.)

## Negligence

13. What is the statute of limitations for a negligence claim in your jurisdiction?

In Kentucky, there is no unified statute of limitations for negligence. The statute of limitations depends on the nature of the alleged injuries.

## Limitations Period

The statute of limitations is:

- One year for personal injury generally ([KRS 413.140\(1\)\(a\)](#)).
- One year for medical malpractice injury from the time the injury is or reasonably should have been discovered, provided that the action must be commenced within five years from the date on which the alleged negligent act or omission occurred ([KRS 413.140\(1\)\(e\)](#)).
- For personal injury in an auto accident, two years after the date of injury or the last payment of basic reparation benefits, or up to four years after the accident, whichever is earlier. If basic or added reparation benefits have been paid for loss arising other than from death, the same or another claimant may file an action for further benefits (other than survivor's benefits) at most two years after the last payment of benefits. ([KRS 304.39-230\(1\)](#).)
- Five years for personal injury suffered by any person against the builder of a home or other improvements ([KRS 413.120\(13\)](#)).
- One year for bodily injuries, injuries to property, or death arising out of a deficient improvement to real property ([KRS 413.135\(2\)](#)).
- One year for professional service malpractice injury including legal, architectural, engineering, and accounting malpractice ([KRS 413.245](#)).
- Two years for injury to personal property ([KRS 413.125](#)).

## Accrual Date

The limitations period starts to run for:

- Personal injury generally, when the injury occurs (*Fluke Corp. v. LeMaster*, 306 S.W. 3d 55, 60 (Ky. 2010)).
- Medical malpractice injury, when the injury is or reasonably should have been discovered (KRS 413.140(1)(e), (2)). The discovery rule may toll the statute of limitations (see [Question 24: Discovery Rule](#)).
- Personal injury in an auto accident, when the injured person suffers the loss and either knows or reasonably should know that the accident caused the loss (KRS 304.39-230(1)).
- Personal injury suffered by any person against the builder of a home or other improvements, at the time of original occupancy of the improvements that the builder made (KRS 413.120(13)).
- Bodily injuries, injuries to property, or death arising out of a deficient improvement to real property, when the injury occurs (see KRS 413.135(2)).
- Professional malpractice injury, on the date the negligent conduct occurs or the date the negligent conduct is or reasonably should have been discovered (KRS 413.245).
- Injury to personal property, when the injury to the personal property occurs (KRS 413.125; see *Am. Premier Ins. Co. v. McBride*, 159 S.W. 3d 342, 351 (Ky. Ct. App. 2004)).

## Products Liability

14. What is the statute of limitations for a products liability claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for a products liability claim is:

- One year for personal injury generally (KRS 413.140(1)(a)).
- Two years after the date of injury or the last payment of basic reparation benefits, or not later than four years after the accident, whichever is earlier, for personal injury in an auto accident. If basic or added reparation benefits have been paid for loss arising other than from death, the same or another claimant may file an action for further benefits (other than survivor's benefits) at most two years after the last payment of benefits. (KRS 304.39-230(1).)

Additionally, in any products liability action, courts presume that the product was not defective if the injury, death, or property damage occurred more than either:

- Five years after the date of sale to the first consumer.
- Eight years after the date of manufacture.

(KRS 411.310(1).)

## Accrual Date

The limitations period starts to run for:

- Personal injury, generally, when the injury occurs. The discovery rule may toll the statute of limitations. (*Fluke Corp.*, 306 S.W. 3d at 60; see [Question 24: Discovery Rule](#).)
- Personal injury in an auto accident, when the injured person suffers the loss and either knows or reasonably should know that the accident caused the loss (KRS 304.39-230(1)).

## Shareholder Derivative Suits

15. What is the statute of limitations for a shareholder derivative suit in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for a shareholder derivative suit is five years for actions on liability created by a statute that does not contain its own limitations period (KRS 413.120(2)).

## Accrual Date

The limitations period starts to run when the transaction complained of occurs (KRS 271B.7-400(1)).

## Third-party Contribution

16. What is the statute of limitations for a third-party contribution claim in your jurisdiction?

### Limitations Period

In Kentucky, apportionment under [KRS 411.182](#) has abrogated common law contribution but not the right of indemnity (see [Degener v. Hall Contr. Corp.](#), 27 S.W.3d 775, 778-81 (Ky. 2000)).

The statute of limitations for indemnity is five years ([KRS 413.120\(6\)](#); [Degener](#), 27 S.W.3d at 781-82).

### Accrual Date

The limitations period starts to run for indemnity when there is a finding of liability to the injured party (see [Clark v. Hauck Mfg. Co.](#), 910 S.W. 2d 247, 253 (Ky. 1995), *overruled on other grounds*, [Martin v. Ohio Cnty. Hosp. Corp.](#), 295 S.W.3d 104 (Ky. 2009)).

### Tortious Interference with Contract Rights

17. What is the statute of limitations for claim of tortious interference with contract rights or business relationship in your jurisdiction?

### Limitations Period

In Kentucky, the statute of limitations for tortious interference with a contract is five years ([KRS 413.120\(4\)](#), (5), and (6); [Ritchie v. United Mine Workers of Am.](#), 410 F.2d 827, 832 n.4 (6th Cir. 1969) (interpreting Kentucky law); [Williams v. Owensboro Bd. of Educ.](#), 2009 WL 248426, at \*3 (W.D. Ky. 2009) (interpreting Kentucky law)).

### Accrual Date

The limitations period starts to run on the date the interference occurs (see [Ritchie](#), 410 F.2d at 832).

### Trade Secret Misappropriation

18. What is the statute of limitations for a trade secret misappropriation claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for trade secret misappropriation is three years ([KRS 365.890](#)).

## Accrual Date

The limitations period starts to run on the date the misappropriation is discovered or reasonably should have been discovered ([KRS 365.890](#)).

## Trademark Infringement

19. What is the statute of limitations for a trademark infringement claim in your jurisdiction?

## Limitations Period

In Kentucky, there is no statute of limitations per se for **trademark** infringement. The equitable doctrine of **laches** applies, which bars claims where a party engages in unreasonable delay to the prejudice of others (*Colston Inv. Co. v. Home Supply Co.*, 74 S.W.3d 759, 768-69 (Ky. Ct. App. 2001)).

## Accrual Date

No Kentucky statute or case addresses when the limitations period starts to run because there is no statute of limitations in Kentucky per se for trademark infringement. See [Limitations Period](#).

## Unfair Competition

20. What is the statute of limitations for an unfair competition claim in your jurisdiction?

## Limitations Period

In Kentucky, there is no statute of limitations per se for unfair competition. The equitable doctrine of laches applies, which bars claims where a party engages in unreasonable delay to the prejudice of others (*Colston Inv. Co.*, 74 S.W.3d at 768-69).

## Accrual Date

No Kentucky statute or case addresses when the limitations period starts to run because there is no statute of limitations in Kentucky per se for unfair competition. See [Limitations Period](#).

## Unjust Enrichment

21. What is the statute of limitations for an unjust enrichment claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations for an unjust enrichment claim is five years (*KRS 413.120(6)*; *Norohna v. Zolkiewicz*, 583 S.W.3d 42, 45-46 (Ky. Ct. App. 2018)).

## Accrual Date

The limitations period starts to run on the date of discovery of the offending conduct (see *Norohna*, 583 S.W.3d at 46-47).

## Wrongful Death and Survival

22. What is the statute of limitations for a wrongful death and survival claim in your jurisdiction?

## Limitations Period

In Kentucky, the statute of limitations is:

- One year after appointment of the personal representative.
- Up to two years after death if the decedent's personal representative is appointed more than one year after death.
- One year after death for a death arising out of a deficient improvement to real property (see [Question 13](#)).

(KRS 413.135(2) and 413.180; see *Est. of Wittich By & Through Wittich v. Flick*, 519 S.W.3d 774, 777 (Ky. 2017).)

## Accrual Date

The limitations period starts to run when the personal representative is appointed (KRS 413.180; *Wittich*, 519 S.W.3d at 777).

## Other Commercial Causes of Action

23. Please describe any other statutes of limitations for commercial causes of action in your jurisdiction of which practitioners should be aware.

## Conspiracy

### Limitations Period

In Kentucky, the statute of limitations for the commercial cause of action of conspiracy is one year (KRS 413.140(1)(c)).

### Accrual Date

The limitations period starts to run on the date of the last overt act performed in compliance with the objective of the conspiracy (*Dist. Union Loc. 227, Amalgamated Meat Cutters & Butcher Workmen of N. Am., AFL-CIO v. Fleischaker*, 384 S.W.2d 68, 72 (Ky. Ct. App. 1964)).

## Special Rules and Exceptions



24. Please list any special rules and exceptions that may toll or otherwise affect any of the statutes of limitations in the previous questions.

## Fraudulent Concealment of Claims

In Kentucky, the statute of limitations tolls if an offender fraudulently conceals a potential claim. Examples of fraudulent concealment include employer misconduct and an employer blatantly manufacturing a statute of limitations defense. (*Newberg v. Hudson*, 838 S.W.2d 384, 390 (Ky. Ct. App. 1992).)

## Personal Representative of an Estate Standing

A deceased plaintiff's personal representative may bring a claim for an action mentioned in [KRS 413.090](#) to [413.160](#) within a year of qualification of the representative ([KRS 413.180\(1\)](#)).

## Absence from the State and Concealing Oneself

If a defendant is a Kentucky resident and absent from the state when certain causes of action accrue against them, the statute of limitations tolls until they return to Kentucky ([KRS 413.190\(1\)](#)).

If a defendant is a Kentucky resident and conceals themselves or obstructs the prosecution of an action, the statute of limitations calculation for the action does not include the period of concealment or obstruction ([KRS 413.190\(2\)](#)).

## Infancy or Unsound Mind

If a cause of action accrues when the injured party is a minor or of unsound mind, the statute of limitations for that action tolls until the earlier of:

- The date the injured party turns 21 years old or is no longer of unsound mind.
- The date the injured party dies.

([KRS 413.170](#).)

## Discovery Rule

The discovery rule tolls the limitations period until the plaintiff discovers both:

- The injury.
- That the defendant may have caused the injury.

The discovery rule is only available where the fact of injury or offending instrumentality is not immediately evident or discoverable with the exercise of reasonable diligence, such as in cases of medical malpractice or latent injuries or illnesses. (*Fluke Corp.*, 306 S.W. 3d at 60.)