

## Bankruptcy in Arizona: What happens to DUI debt?

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Filing a [bankruptcy](#) case allows an individual to eliminate (through discharge) the majority of his debt. The [Bankruptcy Code](#), however, specifically excludes certain types of debt from being discharged. Pursuant to [Section 523\(a\)\(9\)](#) of the Bankruptcy Code, debts arising from the “death or personal injury caused by the debtor’s operation of a motor vehicle, vessel, or aircraft if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance” are non-dischargeable.

For example, if you have received a [DUI](#) (driving under the influence conviction), filing a bankruptcy case will not discharge any (i) damage award due to the accident victim, (ii) restitution ordered by the local county court, or (iii) fines imposed by the local county court. The judge will likely find that any monetary debt associated with the DUI will not be dischargeable.

A debtor should also be aware that an insurance company seeking subrogation damages may file an objection to his discharge. Debts arising from the “willful and malicious injury by the debtor to another entity or to the property of another entity” are excepted from discharge by 11 U.S.C. §523(a)(6).

Generally the state law in the jurisdiction where the criminal prosecution occurred will be used by the bankruptcy court to determine a debtor’s culpability. This prevents the debtor from “forum shopping” or filing his case in a state where the blood alcohol limit is higher than where the accident occurred. In other words, it also prevents the debtor from arguing that Section 523(a)(9) does not apply to them because their blood alcohol level was below the limit of the state where the bankruptcy case is pending.

**If you have a DUI charge on your record and debt associated with it, be sure to discuss it with your attorney before your bankruptcy case is filed.**

*If you would like a down-to-earth approach and a lawyer who will listen carefully to all your questions and concern, call [The Dodds Law Firm, PLC](#) at [623-209-8923](tel:623-209-8923). Dan Dodds serves clients primarily in the areas of Chapter 7 and Chapter 13 bankruptcies, real estate issues, violations of the Fair Debt Collection Practices Act, and issues of Unfair or Deceptive Business Practices. Mr. Dodds and his staff know how to listen carefully, and how to explain the law and procedures involved in a legal matter, as well as your rights and options, so that you can make informed choices. If you live in the area of Surprise, Arizona, call The Dodds Law Firm, PLC.*