

DUI in Fresno, CA: How does it affect your bankruptcy?

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If you are considering filing a [bankruptcy](#) case, you may be wondering how your [driving under the influence \(DUI\)](#) charge may affect it, or be affected by it. Hopefully you have read my blog titled [“Bankruptcy & DUI Debt in Fresno, CA”](#) for a general discussion of bankruptcy and DUIs. The Bankruptcy Code allows a debtor to eliminate the majority of his debts, but some past mistakes can result in significant complications in your bankruptcy proceedings.

Bankruptcy does not wipe-out all of the debt related to your DUI. Examples of debts related to DUI charges that can cause issues to arise in your bankruptcy case include:

- Monetary awards in civil lawsuits that leave a debtor liable for amounts exceeding their insurance limitation
- If the debtor received his DUI while driving without insurance
- Settlement payments resulting from a DUI-related accident
- Monetary damages for injury caused by a ‘violent crime,’ which can include DUI where, as a result of the DUI, there is an accident and someone suffers “great bodily injury.”
- Civil damages resulting from malicious or intentional injuries

Typically, damages resulting from personal injury lawsuits can be discharged. However, the law specifically excludes DUI-related damages. If you are considering filing a [Chapter 7](#) case attempting to discharge DUI debt, you may want to consider filing a Chapter 13 case instead.

A [Chapter 13](#) filing will allow you to pay out your DUI debts through a Chapter 13 payment plan. Although they will not be discharged, you can have them paid in full as part of your reorganization plan. The fines and court costs can then be handled in an easy, manageable fashion.

If you are planning to file a bankruptcy case and you are concerned about your DUI-related debt, be sure to discuss this matter with your attorney prior to your filing.



About Jerry R. Lowe

If you are considering filing for bankruptcy protection, call Fresno bankruptcy attorney [Jerry R. Lowe](#) at [\(559\)513-8535](tel:5595138535). Mr. Lowe provides representation for debtors in Chapter 7 and Chapter 13 bankruptcy matters throughout California's Central Valley in communities such as Fresno, Clovis, Reedley, Sanger, Selma, Madera, Chowchilla, Oakhurst, Coarsegold, Auberry, Prather, Coalinga, Avenal, Corcoran, Hanford, Lemoore, Tulare and Visalia.