

Speeding Tickets, Criminal Fines & Bankruptcy

By Arizona Bankruptcy Attorney John Skiba

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Parking at the bankruptcy court in Phoenix is sometimes tough to find. If you park on the street you then have to deal with the meters that only allow you to park for an hour. What if your hearing goes longer than an hour? You get a \$36 parking ticket. There are a lot of unpaid speeding tickets and parking tickets out there and it is not unusual for clients to have an unpaid ticket of some sort on their credit report. This leads to the question, can you eliminate/discharge tickets through bankruptcy or even criminal fines through bankruptcy?

The general/short answer is no, you can't. The bankruptcy code (11 U.S.C. § 523) provides that fines and penalties payable to a governmental units do not go away through a chapter 7 bankruptcy filing. However, you may be able to eliminate them through a chapter 13 bankruptcy filing. The bankruptcy code (11 U.S.C. § 1328) excludes *criminal* fines from being discharged but does not address civil penalties such as parking tickets. Whether you can eliminate this debt may depend on whether it was a civil parking ticket or a speeding ticket that was a violation of the criminal code.

In addition to fines and penalties, the bankruptcy code bars people from eliminating debts associated with death or personal injury stemming from drunk driving. This applies whether you are driving a car, boat, or even an airplane (although I don't know if I have ever heard of a drunk-flying case!). So for those people who have had a judgment entered against them for harming another person while drunk driving — you are stuck with those debts forever.

If you have questions regarding your specific situation I offer a free bankruptcy consultation. Arizona bankruptcy attorney John Skiba can be reached at (480) 464-1111.