

The eighth ground for denial of discharge is derived from §14c(5) of the Bankruptcy Act [section 32(c)(5) of former title 11]. If the debtor has been granted a discharge in a case commenced within 6 years preceding the present bankruptcy case, he is denied discharge. This provision, which is no change from current law with respect to straight bankruptcy, is the 6-year bar to discharge. Discharge under chapter 11 will bar a discharge for 6 years. As under current law, confirmation of a composition wage earner plan under chapter 13 is a basis for invoking the 6-year bar.

The ninth ground is approval by the court of a waiver of discharge.

Subsection (b) specifies that the discharge granted under this section discharges the debtor from all debts that arose before the date of the order for relief. It is irrelevant whether or not a proof of claim was filed with respect to the debt, and whether or not the claim based on the debt was allowed.

Subsection (c) permits the trustee, or a creditor, to object to discharge. It also permits the court, on request of a party in interest, to order the trustee to examine the acts and conduct of the debtor to determine whether a ground for denial of discharge exists.

Subsection (d) requires the court to revoke a discharge already granted in certain circumstances. If the debtor obtained the discharge through fraud, if he acquired and concealed property of the estate, or if he refused to obey a court order or to testify, the discharge is to be revoked.

Subsection (e) permits the trustee or a creditor to request revocation of a discharge within 1 year after the discharge is granted, on the grounds of fraud, and within one year of discharge or the date of the closing of the case, whichever is later, on other grounds.

#### REFERENCES IN TEXT

The Bankruptcy Act, referred to in subsec. (a)(7), is act July 1, 1898, ch. 541, 30 Stat. 544, as amended, which was classified generally to former Title 11.

Sections 14, 371, and 476 of the Bankruptcy Act, referred to in subsec. (a)(8), are section 14 of act July 1, 1898, ch. 541, 30 Stat. 550, section 371 of act July 1, 1898, ch. 541, as added June 22, 1938, ch. 575, §1, 52 Stat. 912, and section 476 of act July 1, 1898, ch. 541, as added June 22, 1938, ch. 575, §1, 52 Stat. 924, which were classified to sections 32, 771, and 876 of former Title 11.

Sections 660 and 661 of the Bankruptcy Act, referred to in subsec. (a)(9), are sections 660 and 661 of act July 1, 1898, ch. 541, as added June 22, 1938, ch. 575, §1, 52 Stat. 935, 936, which were classified to sections 1060 and 1061 of former Title 11.

#### AMENDMENTS

2005—Subsec. (a)(8). Pub. L. 109-8, §312(1), substituted “8 years” for “six years”.

Subsec. (a)(11). Pub. L. 109-8, §106(b), added par. (11).

Subsec. (a)(12). Pub. L. 109-8, §330(a), added par. (12).

Subsec. (d)(4). Pub. L. 109-8, §603(d), added par. (4).

1986—Subsec. (a)(9). Pub. L. 99-554, §257(s), inserted reference to section 1228 of this title.

Subsec. (c). Pub. L. 99-554, §220, amended subsec. (c) generally, substituting “The trustee, a creditor, or the United States trustee may object” for “The trustee or a creditor may object” in par. (1).

Subsec. (d). Pub. L. 99-554, §220, amended subsec. (d) generally, substituting “, a creditor, or the United States trustee,” for “or a creditor,” in provisions preceding par. (1) and “acquisition of or entitlement to such property” for “acquisition of, or entitlement to, such property” in par. (2).

Subsec. (e). Pub. L. 99-554, §220, amended subsec. (e) generally, substituting “The trustee, a creditor, or the United States trustee may” for “The trustee or a creditor may” in provisions preceding par. (1), “section within” for “section, within” and “discharge is granted” for “discharge was granted” in par. (1), “section before” for “section, before” in provisions of par. (2) preceding subpar. (A), and “discharge; and” for “discharge; or” in par. (2)(A).

1984—Subsec. (a)(6)(C). Pub. L. 98-353, §480(a)(1), substituted “properly” for “property”.

Subsec. (a)(7). Pub. L. 98-353, §480(a)(2), inserted “, under this title or under the Bankruptcy Act,” after “another case”.

Subsec. (a)(8). Pub. L. 98-353, §480(a)(3), substituted “371,” for “371”.

Subsec. (c)(1). Pub. L. 98-353, §480(b), substituted “to the granting of a discharge” for “to discharge”.

Subsec. (e)(2)(A). Pub. L. 98-353, §480(c), substituted “or” for “and”.

#### EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by section 603(d) of Pub. L. 109-8 effective 18 months after Apr. 20, 2005, see section 603(e) of Pub. L. 109-8, set out as a note under section 521 of this title.

Amendments by sections 106(b), 312(1), and 330(a) of Pub. L. 109-8 effective 180 days after Apr. 20, 2005, with amendments by sections 106(b) and 312(1) of Pub. L. 109-8 not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, and amendment by section 330(a) of Pub. L. 109-8 applicable with respect to cases commenced under this title on or after Apr. 20, 2005, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 257 of Pub. L. 99-554 effective 30 days after Oct. 27, 1986, but not applicable to cases commenced under this title before that date, see section 302(a), (c)(1) of Pub. L. 99-554, set out as a note under section 581 of Title 28, Judiciary and Judicial Procedure.

Effective date and applicability of amendment by section 220 of Pub. L. 99-554 dependent upon the judicial district involved, see section 302(d), (e) of Pub. L. 99-554.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective with respect to cases filed 90 days after July 10, 1984, see section 552(a) of Pub. L. 98-353, set out as a note under section 101 of this title.

### **[§ 728. Repealed. Pub. L. 109-8, title VII, § 719(b)(1), Apr. 20, 2005, 119 Stat. 133]**

Section, Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2611; Pub. L. 98-353, title III, §481, July 10, 1984, 98 Stat. 382; Pub. L. 99-554, title II, §257(t), Oct. 27, 1986, 100 Stat. 3116, related to special tax provisions.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under this title before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as an Effective Date of 2005 Amendment note under section 101 of this title.

### **SUBCHAPTER III—STOCKBROKER LIQUIDATION**

#### **§ 741. Definitions for this subchapter**

In this subchapter—

(1) “Commission” means Securities and Exchange Commission;

(2) “customer” includes—

(A) entity with whom a person deals as principal or agent and that has a claim against such person on account of a security received, acquired, or held by such person in the ordinary course of such person’s business as a stockbroker, from or for the securities account or accounts of such entity—