

AMENDMENTS

2010—Subsec. (a). Pub. L. 111-327, §2(a)(43)(A), struck out “shall” after “plan” in introductory provisions.

Subsec. (a)(1) to (3). Pub. L. 111-327, §2(a)(43)(B)-(D), inserted “shall” before “provide”.

Subsec. (a)(4). Pub. L. 111-327, §2(a)(43)(E), struck out “a plan” before “may provide”.

2005—Subsec. (a)(4). Pub. L. 109-8, §213(8), added par. (4).

Subsec. (b)(10), (11). Pub. L. 109-8, §213(9), added par. (10) and redesignated former par. (10) as (11).

Subsec. (d). Pub. L. 109-8, §318(1), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “The plan may not provide for payments over a period that is longer than three years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than five years.”

Subsec. (f). Pub. L. 109-8, §224(d), added subsec. (f).

1994—Subsecs. (c), (d). Pub. L. 103-394, §301, added subsec. (c) and redesignated former subsec. (c) as (d).

Subsec. (e). Pub. L. 103-394, §305(c), added subsec. (e).

1984—Subsec. (a)(2). Pub. L. 98-353, §528(a), inserted a comma after “payments”.

Subsec. (b)(1). Pub. L. 98-353, §316, inserted “; however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims”.

Subsec. (b)(2). Pub. L. 98-353, §528(b)(1), inserted “, or leave unaffected the rights of the holders of any class of claims”.

Subsec. (b)(4). Pub. L. 98-353, §528(b)(2), inserted “other” after “claim or any”.

Subsec. (b)(7). Pub. L. 98-353, §528(b)(3), inserted “subject to section 365 of this title,” before “provide”, substituted “, rejection, or assignment” for “or rejection”, and substituted “under such section” for “under section 365 of this title”.

Subsec. (b)(8). Pub. L. 98-353, §528(b)(4), struck out “any” before “part of a claim”.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109-8 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 a note under section 101 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by section 301 of Pub. L. 103-394 effective Oct. 22, 1994, and not applicable with respect to cases commenced under this title before Oct. 22, 1994, and amendment by section 305(c) of Pub. L. 103-394 effective Oct. 22, 1994, and applicable only to agreements entered into after Oct. 22, 1994, see section 702 of Pub. L. 103-394, set out as a note under section 101 of this title.

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.

ADJUSTMENT OF DOLLAR AMOUNTS

The dollar amounts specified in this section were adjusted by notices of the Judicial Conference of the United States pursuant to section 104 of this title as follows:

By notice dated Feb. 16, 2016, 81 F.R. 8748, effective Apr. 1, 2016, in subsec. (d), dollar amount “675” was adjusted to “700” each time it appeared. See notice of the Judicial Conference of the United States set out as a note under section 104 of this title.

By notice dated Feb. 12, 2013, 78 F.R. 12089, effective Apr. 1, 2013, in subsec. (d), dollar amount “625” was adjusted to “675” each time it appeared.

By notice dated Feb. 19, 2010, 75 F.R. 8747, effective Apr. 1, 2010, in subsec. (d)(1)(C), (2)(C), dollar amount “575” was adjusted to “625”.

By notice dated Feb. 7, 2007, 72 F.R. 7082, effective Apr. 1, 2007, in subsec. (d), dollar amount “525” was adjusted to “575” each time it appeared.

§ 1323. Modification of plan before confirmation

(a) The debtor may modify the plan at any time before confirmation, but may not modify the plan so that the plan as modified fails to meet the requirements of section 1322 of this title.

(b) After the debtor files a modification under this section, the plan as modified becomes the plan.

(c) Any holder of a secured claim that has accepted or rejected the plan is deemed to have accepted or rejected, as the case may be, the plan as modified, unless the modification provides for a change in the rights of such holder from what such rights were under the plan before modification, and such holder changes such holder’s previous acceptance or rejection.

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2649.)

HISTORICAL AND REVISION NOTES

SENATE REPORT NO. 95-989

The debtor is permitted to modify the plan before confirmation without court approval so long as the modified plan, which becomes the plan on filing, complies with the requirements of section 1322.

The original acceptance or rejection of a plan by the holder of a secured claim remains binding unless the modified plan changes the rights of the holder and the holder withdraws or alters its earlier acceptance or rejection.

§ 1324. Confirmation hearing

(a) Except as provided in subsection (b) and after notice, the court shall hold a hearing on confirmation of the plan. A party in interest may object to confirmation of the plan.

(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.

(Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2649; Pub. L. 98-353, title III, §529, July 10, 1984, 98 Stat. 389; Pub. L. 99-554, title II, §283(x), Oct. 27, 1986, 100 Stat. 3118; Pub. L. 109-8, title III, §317, Apr. 20, 2005, 119 Stat. 92.)

HISTORICAL AND REVISION NOTES

SENATE REPORT NO. 95-989

Any party in interest may object to the confirmation of a plan, as distinguished from merely rejecting a plan. An objection to confirmation is predicated on failure of the plan or the procedures employed prior to confirmation to conform with the requirements of chapter 13. The bankruptcy judge is required to provide notice and an opportunity for hearing any such objection to confirmation.

AMENDMENTS

2005—Pub. L. 109-8 designated existing provisions as subsec. (a), substituted “Except as provided in subsection (b) and after” for “After”, and added subsec. (b).

1986—Pub. L. 99-554 struck out “the” after “object to”.