

**707.6A Homicide or serious injury by vehicle.**

1. A person commits a class "B" felony when the person unintentionally causes the death of another by operating a motor vehicle while intoxicated, as prohibited by [section 321J.2](#).

1A. Upon a plea or verdict of guilty of a violation of [subsection 1](#), the defendant shall surrender to the court any Iowa license or permit and the court shall forward the license or permit to the department with a copy of the order of conviction. Upon receipt of the order of conviction, the department shall revoke the defendant's driver's license or nonresident operating privilege for a period of six years. The defendant shall not be eligible for a temporary restricted license for at least two years after the revocation.

1B. Upon a plea or verdict of guilty of a violation of [subsection 1](#), the court shall order the defendant, at the defendant's expense, to do the following:

a. Enroll, attend, and satisfactorily complete a course for drinking drivers, as provided in [section 321J.22](#).

b. Submit to evaluation and treatment or rehabilitation services.

1C. A driver's license or nonresident operating privilege shall not be reinstated until proof of completion of the requirements of [subsection 1B](#) is presented to the department.

1D. Where the program is available and appropriate for the defendant, the court shall also order the defendant to participate in a reality education substance abuse prevention program as provided in [section 321J.24](#).

2. A person commits a class "C" felony when the person unintentionally causes the death of another by any of the following means:

a. Driving a motor vehicle in a reckless manner with willful or wanton disregard for the safety of persons or property, in violation of [section 321.277](#).

b. Eluding or attempting to elude a pursuing law enforcement vehicle, in violation of [section 321.279](#), if the death of the other person directly or indirectly results from the violation.

3. A person commits a class "D" felony when the person unintentionally causes the death of another while drag racing, in violation of [section 321.278](#).

4. A person commits a class "D" felony when the person unintentionally causes a serious injury, as defined in [section 702.18](#), by any of the means described in [subsection 1 or 2](#).

5. As used in [this section](#), "motor vehicle" includes any vehicle defined as a motor vehicle in [section 321.1](#).

6. Except for the purpose of sentencing under [section 321J.2](#), [subsections 3, 4, and 5](#), a conviction or deferral of judgment for a violation of [this section](#), where a violation of [section 321J.2](#) is admitted or proved, shall be treated as a conviction or deferral of judgment for a violation of [section 321J.2](#) for the purposes of [chapters 321, 321A, and 321J](#), and [section 907.3, subsection 1](#).

7. Notwithstanding the provisions of [sections 901.5](#) and [907.3](#), the court shall not defer judgment or sentencing, or suspend execution of any part of the sentence applicable to the defendant for a violation of [subsection 1](#), or for a violation of [subsection 4](#) involving the operation of a motor vehicle while intoxicated.

[86 Acts, ch 1220, §41](#); [89 Acts, ch 211, §1](#); [90 Acts, ch 1251, §55](#); [94 Acts, ch 1069, §2](#); [97 Acts, ch 177, §26 – 28](#); [98 Acts, ch 1073, §9](#); [2010 Acts, ch 1097, §12](#); [2010 Acts, ch 1124, §3, 9; 2011 Acts, ch 34, §145](#)

Referred to in [§321.210D](#), [§321.555](#), [§321J.10](#), [§331.802](#), [§707.8](#), [§811.1](#), [§902.12](#), [§907.3](#), [§910.3A](#), [§915.80](#)

See also penalties applicable under [§707.5](#), [707.8](#), and [708.2](#)