1. The Bernalillo County Code is amended by adding a new section to read as follows:

2. Section [ ] RACING ON STREETS, DRAG RACING, EXHIBITION DRIVING AND
3. SPECTATING PROHIBITED; PENALTY FOR VIOLATION OF SECTION.

4. A. Definitions. As used in this section, the following definitions shall apply:

5. (1) “Drag race” or “drag racing” means the operation of two or more
6. vehicles from a point side by side at accelerating speeds in a competitive
7. attempt to outdistance each other, or the operation of one or more vehicles
8. over a common selected course from the same point to the same point for
9. the purpose of comparing the relative speeds or power of acceleration of
10. the vehicle or vehicles within a certain distance or time limit;

11. (2) “Race” or “racing” means the use of one or more vehicles in a manner to outgain
12. or outdistance another vehicle, prevent another vehicle from passing, arrive at a
13. given destination ahead of another vehicle or test the physical stamina or endure
14. of drivers over long-distance routes;

15. (3) “Exhibition driving” consists of intentionally fish-tailing, peeling out, losing
16. traction, and burning rubber from tires by applying power to intentionally break
17. traction between the tire and road surface;

18. (4) “Preparations for a race, drag race, or exhibition driving” include, but are not
19. limited to, situations in which:

20. (a) a group of motor vehicles or individuals has arrived at a location
21. for the purpose of participating in or being spectators at the event;

22. (b) a group of individuals has lined one or both sides of a public street
23. or highway for the purpose of participating in or being a spectator
24. at the event;

25. (c) a group of individuals has gathered on private property open to the
26. general public without the consent of the owner, operator, or agent
27. thereof for the purpose of participating in or being a spectator at
28. the event;
(d) one or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event;

(e) two or more vehicles have lined up with motors running for a prohibited motor vehicle speed contest or exhibition of speed;

(f) one of more drivers is revving a motor vehicle’s engine or spinning its tires in preparation for the event; or

(g) an individual is stationed at or near one or more motor vehicles serving as a race starter.

(5) “Spectator” means any individual within 200 feet of the location of a race, drag race, or exhibition driving, or within 200 feet of the location where preparations for a race, drag race or exhibition driving are being made, for the purpose of viewing, observing, watching or witnessing the event. Spectator includes any individual without regard to the means by which the individual arrived at the event or preparations for the event.

(6) “Street” or “highway” means a way or place established pursuant to any law of New Mexico, and roads dedicated to public use, that have been vacated or abandoned, and any such other roads recognized and maintained by Bernalillo County, except private roads.

B. Racing and drag racing prohibited. It is unlawful for any person to engage or participate in a race or drag race on any county street or highway.

C. Exhibition driving prohibited. It is unlawful for any person to engage or participate in exhibition driving on any county street or highway.

D. Spectating a race, drag race, or exhibition driving, or spectating preparations for a race, drag race or exhibition driving prohibited. It is unlawful for any person to knowingly be a spectator of a race, drag race or exhibition driving occurring on any county street or highway, or to knowingly be a spectator at a location where preparations are being made for such activities.

E. Penalty. Violation of subsections (B), (C) or (D) shall be punishable as provide in section 1-6.

F. Exceptions. The provisions of this section shall not apply to authorized or licensed racecourses and speedways, or other areas which are specifically set aside and supervised by the Bernalillo County Sheriff’s Office for law enforcement training. Nothing herein prohibits law enforcement officers or their agents from being spectators at a race or drag race in the course of their official duties.
64. **Effective Date.** This ordinance shall take effect 30 days after final adoption by the county commission.

66. (Ord. No. 2022- )

67. **State Law reference** – Provisions uniform throughout the state, NMSA 1978, § 66-7-8; Racing on highways; exception, NMSA 1978, § 66-8-115.

69. **BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY, NEW MEXICO** this 21st day of June, 2022.

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**APPROVED AS TO FORM**

W. Ken Martinez, County Attorney

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**BOARD OF COUNTY COMMISSIONERS**

Adriann Barbea, Chair

Walt Benson, Vice Chair

Debbie O’Malley, Member

Steven Michael Quezada, Member

**Excused**

Charlene E. Pyskoty, Member

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**ATTEST:**

Linda Stover, County Clerk

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BERNALILLO COUNTY

COUNTY CLERK

CHARLES E. PYSKOTY, COUNTY CLERK

STATE OF NEW MEXICO