

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3951H.05C
Bill No.: HCS for HB Nos. 1694, 1674, 1780, 2056, 2312 & 1755
Subject: Civil Procedure; Courts; Disabilities; Attorney General; Internet and E-Mail
Type: Original
Date: January 27, 2026

Bill Summary: This proposal establishes the "Act Against Abusive Website Access Litigation".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|------------|------------|------------|
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue | \$0 | \$0 | \$0 |

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|---|------------|------------|------------|
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|---|------------|------------|------------|
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|--|----------|----------|----------|
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS

| FUND AFFECTED | FY 2027 | FY 2028 | FY 2029 |
|-------------------------|------------|------------|------------|
| | | | |
| | | | |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

§537.1250 – Act Against Abusive Website Access Litigation

Officials from the **Attorney General’s Office (AGO)** assume this proposal will increase personnel costs. It is assumed that 0.5 FTE Assistant Attorney General I (\$75,000 annually) and 0.5 FTE Paralegal (\$55,000) will be necessary to handle the increased caseload. The AGO estimates FY27 cost to General Revenue of \$103,999 (including fringe benefits and E&E); FY28 cost of \$119,494; and FY29 cost of \$121,672.

Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes. If multiple bills pass which require additional staffing and duties at substantial costs, the AGO could request funding through the appropriation process.

Officials from **Legislative Research** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

| <u>FISCAL IMPACT – State Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 |
|---|---------------------|-------------------|-------------------|
| | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| | | | |

| <u>FISCAL IMPACT – Local Government</u> | FY 2027 (10 Mo.) | FY 2028 | FY 2029 |
|---|---------------------|-------------------|-------------------|
| | | | |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| | | | |

FISCAL IMPACT – Small Business

This proposal may impact small business website companies.

FISCAL DESCRIPTION

This bill creates the "Act Against Abusive Website Access Litigation".

If an allegation is made that a website is in violation of the Americans with Disabilities Act ("ADA"), the Attorney General or an adversely affected resident of this State can file a civil action against the party, attorney, or law firm claiming that an ADA violation has occurred. The civil action will ask for a determination as to whether the alleged website access violation is abusive litigation. If the court determines that the litigation is abusive, the court can award reasonable attorney's fees and costs, and punitive damages not to exceed three times the amount of attorney's fees awarded by the court.

To determine whether the ADA website access litigation is abusive, the court must consider the totality of the circumstances to determine if the primary purpose of the litigation is to obtain payment from the defendant due to the costs of defending the action in court. To make such a determination, the court can assess the following factors:

- (1) Whether the same plaintiff, attorney, or law firm has filed a high number of substantially similar actions without meaningful efforts to resolve or improve accessibility;
- (2) Whether the plaintiff provided the defendant with reasonable notice and an opportunity to correct the alleged barrier prior to filing suit;
- (3) Any history of sanctions or findings of bad faith against the plaintiff or counsel;
- (4) Whether the filing party or lawyer filing the litigation is a resident of this State or is licensed to practice law in this State;
- 5) The nature of settlement discussions and the reasonableness of settlement offers and refusals to settle; and
- (6) Whether the plaintiff or the lawyer filing on behalf of the plaintiff violated Missouri Supreme Court rules pertaining to the signing all pleadings and motions.

If the defendant who is alleged to have violated the ADA's rules on website access in good faith attempts to correct the alleged violations within 90 days after receiving written notice, the defendant will have a rebuttable presumption that any subsequent claim for a website accessibility violation is abusive.

The rebuttable presumption can be overcome by showing that the defendant failed to complete reasonable corrective measures within 90 days or acted in bad faith.

The court must not make a determination as to whether or not the alleged ADA website access violation is abusive until after the 90 day period expires, or the alleged violation is corrected, whichever occurs first.

The Attorney General can intervene or bring an action on behalf of affected residents or entities that have been targeted by abusive website access litigation and issue guidance to clarify when such litigation practices are to be deemed abusive.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of the State Courts Administrator
Legislative Research



Julie Morff
Director
January 27, 2026



Jessica Harris
Assistant Director
January 27, 2026