

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5852H.01I
Bill No.: HB 2312
Subject: Civil Procedure; Courts; Disabilities; Attorney General; Internet and E-Mail
Type: Original
Date: January 14, 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

In response to similar legislation, HB 2056 (2026), officials from the **Attorney General’s Office (AGO)** assumed 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.

In response to similar legislation, HB 2056 (2026), officials from the **Office of the State Courts Administrator** assumed the proposal would 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 **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.

<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 a lawsuit is filed claiming that a website is in violation of the Americans with Disabilities Act ("ADA"), the Attorney General or an adversely affected resident of this state may file a civil action against the party, attorney, or law firm claiming that an ADA violation has occurred. The civil action must 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 may award reasonable attorney's fees and costs and punitive damages not to exceed three times the amount of attorney's fees awarded.

To determine whether the ADA website access litigation is abusive, the court will 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 trier of fact may assess the following factors:

- (1) The number of substantially similar actions filed by the same plaintiff, lawyer, or law firm, and any history of frivolous lawsuits brought by the plaintiff, lawyer, or law firm within the previous 10 years;
- (2) The number of full-time employees that the defendant employs and the resources available to defend against the litigation;
- (3) The resources available to the defendant to correct the alleged website access violation;
- (4) Whether the jurisdiction or venue in which the lawsuit is brought is a substantial obstacle in the defendant's efforts to defend against the litigation;
- (5) Whether the plaintiff or the lawyer filing on behalf of the plaintiff is a resident of Missouri or is licensed to practice law in this state;
- (6) The nature of settlement discussions, the reasonableness of settlement offers, and refusals to settle at all; and
- (7) 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 30 days after receiving written notice or being served with a petition, and the notice or petition provides sufficient detail to identify and correct the alleged violation, there will be a rebuttable presumption that a continuation of the litigation by the plaintiff is abusive.

If the alleged ADA website access violation is not corrected by the defendant within 90 days after receiving written notice or being served with a petition, there must not be a rebuttable presumption that the litigation is abusive.

The court will 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.

If the Attorney General determines that the litigation alleging an ADA website access violation is not abusive, and such a determination is attached to the plaintiff's petition, there will be a rebuttable presumption that litigation is not 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
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Jessica Harris
Assistant Director