

HB 1694 -- ABUSIVE WEBSITE ACCESS LITIGATION

SPONSOR: Christensen

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 bill is similar to HB 1674; HB 1755; HB 1780; HB 1842; and HB 2056 (2026).