HCS SS SCS SBs 907, 1154 & 1272 -- ABUSIVE WEBSITE ACCESS LITIGATION

SPONSOR: Hudson

COMMITTEE ACTION: Voted "Do Pass with HCS by Consent" by the Standing Committee on Commerce by a vote of 9 to 0. Voted "Do Pass-Not Consent" by the Standing Committee on Consent and Procedure by a vote of 6 to 0.

The following is a summary of the House Committee Substitute for SBs 907, 1154 & 1272.

This bill creates the "Act Against Abusive Website Access Litigation". The Attorney General on behalf of a class of residents of this state, the state, or a political subdivision that is subject to litigation that alleges any website access violation, or any resident of this state, the state, or a political subdivision of this state that is subject to litigation that alleges any website access violation, may file a civil action against the party, attorney, or law firm that initiated such litigation for a determination as to whether such litigation alleging a website access violation is abusive litigation. In determining whether a civil action alleging a website access claim is considered abusive, the court will consider the totality of the circumstances to find whether the litigation was filed in good faith. The bill outlines the factors to be considered in making this determination.

A defendant who receives notice of an alleged website access violation and in good faith takes substantial steps to correct the violation within 90 days will have a rebuttable presumption that any subsequent claim for a website access violation is abusive. There will not be a rebuttable presumption if the alleged violation is not corrected within 90 days after written notice or service of the petition.

Additionally, nothing in this bill will prevent a defendant from filing a motion to dismiss or from notifying the plaintiff, prior to the end of the 90-day period, that the alleged access violation has been corrected in good faith.

The Attorney General may intervene or bring an action on behalf of Missouri residents that are targets of abusive website access litigation. The Attorney General may also issue guidance as to when litigation practices are deemed abusive, but such guidance will not preclude legitimate accessibility enforcement actions.

The court may award attorney's fees to the party defending against the abusive litigation. The court may also award punitive damages or sanctions not to exceed three times the amount of attorney's fees awarded by the court.

If the U.S. Department of Justice issues standards concerning website accessibility under the Federal Americans with Disabilities Act, the Attorney General must notify the Revisor of Statutes that such standards have been issued and upon receipt of the notification, the provisions of this bill will expire with respect to any entity that has filed as a corporation with the Secretary of State's office.

This bill applies to litigation pending on August 28, 2026, and the 90-day correction period applies to any defendant in any pending litigation on August 28, 2026, that has complied with the requirements of this act prior to or within 90 days after such date.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the perfected senate version of the bill.

PROPONENTS: Supporters say that this bill will provide clear guidelines for the courts to follow when faced with these types of predatory lawsuits. Supporters further state that the main target of this bill is a small number of law firms that file frivolous lawsuits in an attempt to force small businesses into quick settlements. Because the small businesses do not have the funds to defend against the allegations, they have no choice but to settle the claims, which often leads to the small business having to close down. Supporters state that this bill will encourage compliance with existing law, while at the same time disincentivizing the frivolous suits.

Testifying in person for the bill were Senator Hudson; Missouri Retailers Association; Missouri Grocers Association; Missouri Tire Dealers and Retreaders Association; National Federation of Independent Business; Missouri Chamber of Commerce and Industry; Associated Industries of Missouri; Missouri Broadband Providers Association; Missouri Insurance Coalition; The Greater Kansas City Chamber of Commerce; and Columbia Chamber of Commerce.

OPPONENTS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.