

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

This bill creates the "Act Against Abusive Website or Web Content 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 or web content 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 or web content 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 or web content access violation is abusive litigation. In determining whether a civil action alleging a website or web content access claim is considered abusive, the court will consider the totality of the circumstances to find whether the litigation was filed for the primary purpose of getting money from the defendant due to the costs of mounting a defense. The bill outlines the factors to be considered in making this determination.

A defendant who receives notice of an alleged website or web content 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 or web content 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 can intervene or bring an action on behalf of Missouri residents that are targets of abusive website or web content 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.