

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 907,
1154 & 1272**

103RD GENERAL ASSEMBLY
2026

5627H.09T

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to abusive website or web content access litigation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 537, RSMo, is amended by adding thereto
2 one new section, to be known as section 537.1250, to read as
3 follows:

537.1250. 1. (1) This section shall be known and may
2 be cited as the "Act Against Abusive Website or Web Content
3 Access Litigation".

(2) As used in this section, the following terms mean:

5 (a) "Access violation", any allegation that a website
6 or web content fails to comply with the accessibility
7 requirements of the federal Americans with Disabilities Act
8 or under state law;

9 (b) "Resident of this state", any individual residing
10 in Missouri; any entity that has registered with the
11 Missouri secretary of state's office; or the state of
12 Missouri or any political subdivision thereof, including all

13 boards, commissions, agencies, institutions, authorities,
14 and bodies politic and corporate of the state created by or
15 in accordance with state law or regulations.

16 2. (1) The attorney general under section 507.070 on
17 behalf of a class of residents of this state who are subject
18 to litigation that alleges any website or web content access
19 violation, or any resident of this state who is subject to
20 litigation that alleges any website or web content access
21 violation, may file a civil action in any court of competent
22 jurisdiction within this state against the party, attorney,
23 or law firm that initiated such litigation for a
24 determination as to whether such litigation alleging a
25 website or web content access violation is abusive
26 litigation.

27 (2) In determining whether any litigation that alleges
28 any website or web content access violation constitutes
29 abusive litigation, the court shall consider the totality of
30 the circumstances to determine if the primary purpose of the
31 litigation that alleges a website or web content access
32 violation is obtaining a payment from a defendant due to the
33 costs of defending the action in court. For the purposes of
34 making this determination, the court may assess the
35 following factors and any other factors the court deems
36 relevant for assessing:

37 (a) Whether the same plaintiff, attorney, or law firm
38 has filed a high number of substantially similar lawsuits
39 without meaningful efforts to resolve or improve
40 accessibility;

41 (b) Whether the plaintiff provided the defendant with
42 reasonable notice and an opportunity to correct the alleged
43 barrier prior to filing suit;

44 (c) Any history of sanctions or findings of bad faith
45 against the plaintiff or counsel;

46 (d) The nature of settlement discussions and the
47 reasonableness of settlement offers and refusals to settle.
48 The application of such settlement information shall be used
49 only as provided by this section and shall not otherwise
50 alter the rules of evidence applicable to such court; and

51 (e) Whether any factors under Missouri supreme court
52 rule 55.03(b) exist in the litigation and whether sanctions
53 are appropriate under Missouri supreme court rule 55.03(c).

54 (3) A defendant who receives written notice of an
55 alleged website or web content access violation and in good
56 faith initiates substantial steps to correct it within
57 ninety days shall have a rebuttable presumption that any
58 subsequent claim for a website or web content access
59 violation is abusive. Nothing in this section shall be
60 construed to prohibit a defendant from filing a motion to
61 dismiss or from notifying the plaintiff, prior to the
62 expiration of the ninety-day period, that the alleged access
63 violation has been corrected in good faith. There shall not
64 be a rebuttable presumption that such litigation is abusive
65 litigation if the alleged website or web content access
66 violation is not corrected, as determined by the court,
67 within ninety days after being provided written notice or
68 being served a petition or complaint with sufficient detail
69 to identify and correct the alleged access violation. The
70 trier of fact shall not determine whether such litigation is
71 abusive litigation until after such ninety-day period
72 expires or the alleged access violation is corrected, as
73 determined by the court, whichever occurs first. This
74 subdivision shall be known and may be cited as the "Safe
75 Harbor Provision".

76 3. The attorney general may intervene or bring an
77 action on behalf of Missouri residents or entities that are
78 the targets of abusive website or web content access
79 litigation as defined in this section. The attorney general
80 may also issue guidance or determinations clarifying when
81 litigation practices are deemed abusive, but such
82 determinations shall not preclude legitimate accessibility
83 enforcement actions.

84 4. If the trier of fact determines that an initiator
85 of an action under subsection 2 of this section is a
86 defendant in abusive litigation, the court may award
87 reasonable attorney's fees and costs in bringing the action
88 under subsection 2 of this section as well as defending
89 against the abusive litigation to be paid by the party
90 bringing the abusive litigation. In addition, the court may
91 award punitive damages or sanctions not to exceed three
92 times the amount of attorney's fees awarded by the court.

93 5. At the conclusion of the litigation alleging a
94 website or web content access violation, the court shall
95 review any determination that such litigation is abusive and
96 any award of attorney's fees under the Missouri supreme
97 court rules of professional conduct to determine the
98 reasonableness of the award before issuing a judgment.

99 6. If the United States Department of Justice issues
100 standards concerning website or web content accessibility
101 under Title III of the federal Americans with Disabilities
102 Act, 42 U.S.C. Sections 12181 to 12189, the attorney general
103 shall notify the revisor of statutes that such standards
104 have been issued. Upon receipt of such notification by the
105 revisor, the provisions of this section shall expire with
106 respect to any entity that has registered with the Missouri
107 secretary of state's office or the state of Missouri or any

108 political subdivision thereof, including all boards,
109 commissions, agencies, institutions, authorities, and bodies
110 politic and corporate of the state created by or in
111 accordance with state law or regulations.

112 7. This section shall apply to litigation pending on
113 August 28, 2026. The provisions of subdivision (3) of
114 subsection 2 of this section shall apply to any defendant in
115 any pending litigation on August 28, 2026, that has complied
116 with the requirements of subdivision (3) of subsection 2 of
117 this section prior to August 28, 2026, or that is within the
118 ninety-day correction period after August 28, 2026.

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