

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 907, 1154 & 1272
AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to abusive website 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 Access
3 Litigation".

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

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

(b) "Resident of this state", any individual residing
9 in Missouri; any entity that has registered with the
10 Missouri secretary of state's office under chapter 351; or
11 the state of Missouri or any political subdivision thereof,
12 including all boards, commissions, agencies, institutions,
13 authorities, and bodies politic and corporate of the state
14 created by or in accordance with state law or regulations.

2. (1) The attorney general under section 507.070 on
16 behalf of a class of residents of this state who are subject
17 to litigation that alleges any website access violation, or
18 any resident of this state who is subject to litigation that
19 alleges any website access violation, may file a civil

20 action in any court of competent jurisdiction within this
21 state against the party, attorney, or law firm that
22 initiated such litigation for a determination as to whether
23 such litigation alleging a website access violation is
24 abusive litigation.

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

33 (a) Whether the same plaintiff, attorney, or law firm
34 has filed a high number of substantially similar lawsuits
35 without meaningful efforts to resolve or improve
36 accessibility;

37 (b) Whether the plaintiff provided the defendant with
38 reasonable notice and an opportunity to correct the alleged
39 barrier prior to filing suit;

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

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

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

50 (3) A defendant who receives written notice of an
51 alleged website access violation and in good faith initiates
52 substantial steps to correct it within ninety days shall

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

71 3. The attorney general may intervene or bring an
72 action on behalf of Missouri residents or entities that are
73 the targets of abusive website access litigation as defined
74 in this section. The attorney general may also issue
75 guidance or determinations clarifying when litigation
76 practices are deemed abusive, but such determinations shall
77 not preclude legitimate accessibility enforcement actions.

78 4. If the trier of fact determines that an initiator
79 of an action under subsection 2 of this section is a
80 defendant in abusive litigation, the court may award
81 reasonable attorney's fees and costs in bringing the action
82 under subsection 2 of this section as well as defending
83 against the abusive litigation to be paid by the party
84 bringing the abusive litigation. In addition, the court may

85 award punitive damages or sanctions not to exceed three
86 times the amount of attorney's fees awarded by the court.

87 5. At the conclusion of the litigation alleging a
88 website access violation, the court shall review any
89 determination that such litigation is abusive and any award
90 of attorney's fees under the Missouri supreme court rules of
91 professional conduct to determine the reasonableness of the
92 award before issuing a judgment.

93 6. If the United States Department of Justice issues
94 standards concerning website accessibility under Title III
95 of the federal Americans with Disabilities Act, 42 U.S.C.
96 Sections 12181 to 12189, the attorney general shall notify
97 the revisor of statutes that such standards have been
98 issued. Upon receipt of such notification by the revisor,
99 the provisions of this section shall expire with respect to
100 any entity that has filed with the Missouri secretary of
101 state's office under chapter 351.

102 7. This section shall apply to litigation pending on
103 August 28, 2026. The provisions of subdivision (3) of
104 subsection 2 of this section shall apply to any defendant in
105 any pending litigation on August 28, 2026, that has complied
106 with the requirements of subdivision (3) of subsection 2 of
107 this section prior to August 28, 2026, or that is within the
108 ninety-day correction period after August 28, 2026.