

**Senate Study Bill 3174 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
TECHNOLOGY BILL BY  
CHAIRPERSON McCLINTOCK)

**A BILL FOR**

- 1 An Act relating to abusive litigation alleging internet  
2 site accessibility violations, and including applicability  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. NEW SECTION. **685A.1 Definitions.**

2 As used in this chapter, unless the context otherwise  
3 requires:

4 1. "Access violation" means any allegation that a public  
5 accommodation does not provide sufficient access under Tit. III  
6 of the federal Americans with Disabilities Act of 1990, 42  
7 U.S.C. §12181 et seq., under chapter 216, or under any other  
8 similar state or federal law relating to accessibility.

9 2. "Public accommodation" means the same as defined in  
10 42 U.S.C. §2000a et seq. "Public accommodation" includes an  
11 internet site operated by a resident.

12 3. "Resident" means an individual domiciled in this state, or  
13 an entity organized under the laws of this state or authorized to  
14 transact business in this state and registered with the secretary  
15 of state.

16 Sec. 2. NEW SECTION. **685A.2 Civil action for determination**  
17 **of abusive litigation.**

18 1. The attorney general, on behalf of a class of residents  
19 pursuant to rule 1.261 of the Iowa rules of civil procedure,  
20 that is subject to litigation alleging an internet site access  
21 violation, or any resident who is subject to such litigation,  
22 may file a civil action against the party, attorney, or law firm  
23 that initiated such litigation for a determination of whether the  
24 litigation alleging an internet site access violation constitutes  
25 abusive litigation.

26 2. In determining whether litigation alleging an internet  
27 site access violation constitutes abusive litigation, the court  
28 shall consider the totality of the circumstances to determine  
29 whether the primary purpose of the litigation alleging an  
30 internet site access violation is to obtain payment from the  
31 defendant due to the cost of defending the action rather than  
32 to remedy the internet site access violation. In making this  
33 determination, the court may consider, but is not limited to, the  
34 following factors:

35 a. The number of substantially similar actions filed by the

1 same plaintiff, attorney, or law firm, and any history of such  
2 plaintiff, attorney, or law firm filing frivolous litigation or  
3 litigation declared abusive by a court in the past ten years.

4 b. The number of full-time employees employed by the  
5 defendant and the resources available to the defendant to engage  
6 in litigation.

7 c. The resources available to the defendant to correct the  
8 alleged internet site access violation.

9 d. Whether the jurisdiction or venue where the action  
10 is brought creates a substantial obstacle to defending the  
11 litigation.

12 e. Whether the filing party or attorney is a resident or is  
13 licensed to practice law in this state.

14 f. The nature of settlement discussions and the  
15 reasonableness of settlement offers and refusals to settle.  
16 Such settlement information shall be used only for purposes of  
17 this chapter and shall not otherwise alter applicable rules of  
18 evidence.

19 g. Whether factors supporting sanctions exist under rule  
20 1.413 of the Iowa rules of civil procedure and whether sanctions  
21 would be appropriate.

22 3. a. If a defendant in litigation alleging an internet  
23 site access violation makes a good-faith attempt to correct the  
24 alleged violation within thirty days after receiving written  
25 notice or being served with a petition containing sufficient  
26 detail to identify and correct the alleged violation, there shall  
27 be a rebuttable presumption that the subsequent initiation or  
28 continuation of litigation constitutes abusive litigation.

29 b. The rebuttable presumption shall not apply if the alleged  
30 internet site access violation is not corrected, as determined by  
31 the court, within ninety days after written notice or service of  
32 the petition.

33 c. The court shall not determine whether the litigation is  
34 abusive until the expiration of the ninety-day period or until  
35 the alleged violation is corrected, whichever occurs first.



1                   the explanation's substance by the members of the general assembly.

2       This bill relates to abusive litigation alleging internet site  
3 accessibility violations.

4       The bill defines "access violation" as an allegation that a  
5 public accommodation does not provide sufficient access under  
6 Tit. III of the federal Americans with Disabilities Act of 1990,  
7 Code chapter 216, or similar state or federal accessibility laws.  
8 The bill also defines "public accommodation" and "resident".

9       The bill provides that the attorney general, on behalf of  
10 a class of residents or any resident subject to litigation  
11 alleging an internet site access violation, may file a civil  
12 action against the party, attorney, or law firm that initiated  
13 the underlying litigation to determine whether the litigation  
14 constitutes abusive litigation.

15       The bill provides that, in determining whether litigation  
16 is abusive, the court must consider the totality of the  
17 circumstances and determine whether the primary purpose of the  
18 litigation is to obtain payment from the defendant due to  
19 the cost of defending the action rather than to remedy the  
20 alleged internet site access violation. The bill provides a  
21 list of factors the court may consider, including the number  
22 of substantially similar actions filed by the same plaintiff or  
23 counsel and any history of frivolous or abusive litigation within  
24 the past 10 years; the size and resources of the defendant;  
25 the defendant's resources to correct the alleged violation;  
26 whether the chosen jurisdiction or venue creates a substantial  
27 obstacle to defense; whether the filing party or attorney is a  
28 resident or licensed to practice law in Iowa; the nature and  
29 reasonableness of settlement discussions; and whether sanctions  
30 would be appropriate.

31       The bill establishes a rebuttable presumption that litigation  
32 is abusive if the defendant makes a good-faith attempt to correct  
33 the alleged internet site access violation within 30 days after  
34 receiving written notice or service of a sufficiently detailed  
35 petition. The presumption does not apply if the internet site

1 access violation is not corrected within 90 days, as determined  
2 by the court. The court is prohibited from determining whether  
3 litigation is abusive until the expiration of the 90-day period  
4 or until the internet site access violation is corrected,  
5 whichever occurs first.

6 The bill provides that if the attorney general issues a  
7 written determination that litigation alleging an internet site  
8 access violation is not abusive and the determination is attached  
9 to the petition in the underlying litigation, there is a  
10 rebuttable presumption that the litigation is not abusive.

11 The bill provides that if the court determines that litigation  
12 constitutes abusive litigation, the court may award reasonable  
13 attorney fees and costs incurred in bringing the action and  
14 in defending against the underlying litigation. The court may  
15 also award punitive damages or impose sanctions not to exceed  
16 three times the amount of attorney fees awarded. At the  
17 conclusion of the underlying litigation, the court must review  
18 any determination of abusive litigation and any attorney fee  
19 award for reasonableness before entry of judgment, and must  
20 weigh heavily the results obtained in the underlying litigation,  
21 particularly if the plaintiff prevailed.

22 The bill provides that if the federal department of justice  
23 issues standards concerning internet site accessibility under  
24 Tit. III of the federal Americans with Disabilities Act of 1990,  
25 the attorney general shall notify the Iowa Code editor, and upon  
26 such notification, the bill is repealed.

27 The bill applies to actions commenced on or after July 1,  
28 2026.