

Senate File 2380 - Reprinted

SENATE FILE 2380
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 3174)

(As Amended and Passed by the Senate March 10, 2026)

A BILL FOR

1 An Act relating to abusive litigation alleging internet site
2 accessibility violations, and including applicability
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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.
6 III 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. "*Good-faith attempt*" includes but is not limited to
10 the utilization of an industry-recognized program or platform
11 designed to assist internet site operators in complying
12 with internet site accessibility regulations, the hiring or
13 contracting with an entity that specializes in assisting
14 internet site operators in complying with internet site
15 accessibility regulations, or an attempt to comply with
16 accessibility regulations deemed reasonable by the court.

17 3. "*Public accommodation*" means the same as defined in
18 42 U.S.C. §2000a et seq. "*Public accommodation*" includes an
19 internet site operated by a resident.

20 4. "*Resident*" means an individual domiciled in this
21 state, or an entity organized under the laws of this state or
22 authorized to transact business in this state and registered
23 with the secretary of state.

24 Sec. 2. NEW SECTION. 685A.2 Civil action for determination
25 of abusive litigation.

26 1. The attorney general, on behalf of a class of residents
27 pursuant to rule 1.261 of the Iowa rules of civil procedure,
28 that is subject to litigation alleging an internet site access
29 violation, or any resident who is subject to such litigation,
30 may file a civil action against the party, attorney, or
31 law firm that initiated such litigation for a determination
32 of whether the litigation alleging an internet site access
33 violation constitutes abusive litigation.

34 2. In determining whether litigation alleging an internet
35 site access violation constitutes abusive litigation, the court

1 shall consider the totality of the circumstances to determine
2 whether the primary purpose of the litigation alleging an
3 internet site access violation is to obtain payment from the
4 defendant due to the cost of defending the action rather than
5 to remedy the internet site access violation. In making this
6 determination, the court may consider, but is not limited to,
7 the following factors:

8 *a.* The number of substantially similar actions filed by the
9 same plaintiff, attorney, or law firm, and any history of such
10 plaintiff, attorney, or law firm filing frivolous litigation or
11 litigation declared abusive by a court in the past ten years.

12 *b.* The number of full-time employees employed by the
13 defendant and the resources available to the defendant to
14 engage in litigation.

15 *c.* The resources available to the defendant to correct the
16 alleged internet site access violation.

17 *d.* Whether the jurisdiction or venue where the action
18 is brought creates a substantial obstacle to defending the
19 litigation.

20 *e.* Whether the filing party or attorney is a resident or is
21 licensed to practice law in this state.

22 *f.* The nature of settlement discussions and the
23 reasonableness of settlement offers and refusals to settle.
24 Such settlement information shall be used only for purposes of
25 this chapter and shall not otherwise alter applicable rules of
26 evidence.

27 *g.* Whether factors supporting sanctions exist under
28 rule 1.413 of the Iowa rules of civil procedure and whether
29 sanctions would be appropriate.

30 3. *a.* If a defendant in litigation alleging an internet
31 site access violation makes a good-faith attempt to correct the
32 alleged violation within thirty days after receiving written
33 notice or being served with a petition containing sufficient
34 detail to identify and correct the alleged violation,
35 there shall be a rebuttable presumption that the subsequent

1 initiation or continuation of litigation constitutes abusive
2 litigation.

3 *b.* The rebuttable presumption shall not apply if the alleged
4 internet site access violation is not corrected, as determined
5 by the court, within ninety days after written notice or
6 service of the petition.

7 *c.* The court shall not determine whether the litigation is
8 abusive until the expiration of the ninety-day period or until
9 the alleged violation is corrected, whichever occurs first.

10 Sec. 3. NEW SECTION. **685A.3 Attorney general determination.**

11 If the attorney general issues a written determination that
12 litigation alleging an internet site access violation is not
13 abusive and such written determination is attached to the
14 petition in the litigation alleging an internet site access
15 violation, there shall be a rebuttable presumption that the
16 litigation is not abusive.

17 Sec. 4. NEW SECTION. **685A.4 Remedies.**

18 1. If the court determines that litigation alleging an
19 internet site access violation constitutes abusive litigation,
20 the court may award to the prevailing party reasonable attorney
21 fees and costs incurred in bringing the action under this
22 chapter and in defending against the underlying abusive
23 litigation.

24 2. In addition to attorney fees and costs, the court may
25 award punitive damages or impose sanctions not to exceed three
26 times the amount of attorney fees awarded under subsection 1.

27 3. At the conclusion of the underlying litigation alleging
28 an internet site access violation, the court shall review any
29 determination of whether the litigation is abusive and any
30 award of attorney fees to determine the reasonableness of the
31 award prior to entry of judgment. The results obtained in the
32 litigation alleging an internet site access violation shall be
33 weighed heavily, particularly if the plaintiff prevailed.

34 Sec. 5. NEW SECTION. **685A.5 Repeal.**

35 If the federal department of justice issues standards

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1 concerning internet site accessibility under Tit. III of the
2 federal Americans with Disabilities Act of 1990, 42 U.S.C.
3 §12181 et seq., the attorney general shall notify the Iowa Code
4 editor. Upon receipt of such notification, this chapter shall
5 be repealed.

6 Sec. 6. APPLICABILITY. This Act applies to actions
7 commenced on or after July 1, 2026.