SENATE FILE 2380
BY COMMITTEE ON TECHNOLOGY

(SUCCESSOR TO SSB 3174)

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

_____ and [= New Language by the Senate

A BILL FOR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

initiation or continuation of litigation constitutes abusive litigation.

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

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

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

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

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

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

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

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

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

If the federal department of justice issues standards

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

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