

**SB1942**



**104TH GENERAL ASSEMBLY**

**State of Illinois**

**2025 and 2026**

**SB1942**

Introduced 2/6/2025, by Sen. Laura M. Murphy

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Stop Abusive Website Access Litigation Act. Authorizes the Attorney General, on behalf of a class of residents, that is subject to litigation that alleges any website access violation to file a civil action in a State court against the party, attorney, or law firm that initiated the litigation for a determination as to whether this is abusive litigation. Provides that in determining whether the litigation alleging a website access violation constitutes abusive litigation, the trier of fact shall consider the totality of the circumstances to determine if the primary purpose of the litigation that alleges a website access violation is obtaining a payment from a defendant because of the costs of defending the action in court. Creates criteria for the trier of act to determine if the litigation is abusive under the Act. Provides that if the trier of fact determines that the litigation qualifies as abusive litigation under the Act, the court may award reasonable attorney's fees and costs to the defendant. Provides that the court may also award punitive damages not to exceed 3 times the amount of attorney's fees awarded by the court.

LRB104 11058 JRC 21140 b

**A BILL FOR**

1           AN ACT concerning civil law.

2           **Be it enacted by the People of the State of Illinois,**  
3           **represented in the General Assembly:**

4           Section 1. Short title. This Act may be cited as the Stop  
5           Abusive Website Access Litigation Act.

6           Section 5. Definitions. In this Act:

7           "Access violation" means any allegation that a public  
8           accommodation does not provide sufficient access under the  
9           federal Americans with Disabilities Act of 1990.

10           "Public accommodation" has the meaning given to that term  
11           in the Americans with Disabilities Act of 1990. "Public  
12           accommodation" includes a website operated by a resident of  
13           this State.

14           "Resident" means any resident of the State.

15           Section 10. Litigation by the Attorney General.

16           (a) The Attorney General, on behalf of a class of  
17           residents, that is subject to litigation that alleges any  
18           website access violation and any resident of this State that  
19           is subject to litigation that alleges any website access  
20           violation may file a civil action in any court in this State  
21           against the party, attorney, or law firm that initiated such  
22           litigation for a determination as to whether such litigation

1       alleging a website access violation is abusive litigation.

2       In determining whether any litigation that alleges a  
3       website access violation constitutes abusive litigation, the  
4       trier of fact shall consider the totality of the circumstances  
5       to determine if the primary purpose of the litigation is  
6       obtaining a payment from a defendant because of the expense of  
7       defending the action in court. For the purposes of making this  
8       determination, the trier of fact may assess the following  
9       factors and any other factors the trier of fact deems  
10      relevant:

11               (1) the number of substantially similar actions filed  
12        by the same plaintiff, lawyer, or law firm or the history  
13        of such plaintiff, lawyer, or law firm in bringing  
14        frivolous litigation or other litigation declared by a  
15        court to be abusive litigation in the past 10 years;

16               (2) was there a good-faith attempt by the litigant to  
17        offer the small business time to resolve the issue before  
18        filing litigation;

19               (3) the number of full-time employees employed by the  
20        defendant and the resources available to the defendant to  
21        engage in the litigation;

22               (4) the resources available to the defendant to  
23        correct the alleged website-access violation;

24               (5) whether the jurisdiction or venue where the action  
25        is brought is a substantial obstacle to defending against  
26        the litigation; and

(6) whether the filing party or lawyer filing the litigation is a resident of this State or is licensed to practice law in this State.

(b) Except as provided further, if the defendant in the litigation that alleges a website access violation in good faith attempts to cure the alleged violation within 90 days after being provided written notice or being served a petition or complaint with sufficient detail to identify and correct the alleged violation, there shall be a rebuttable presumption that the subsequent initiation or continuance of litigation that alleges a website access violation constitutes abusive litigation.

(c) There shall not be a rebuttable presumption that such litigation is abusive litigation if the alleged website access violation is not corrected, as determined by the court, within 180 days after being provided written notice or being served a petition or complaint with sufficient detail to identify and correct the alleged violation. The trier of fact may not determine whether such litigation is abusive litigation until after the 180-day period expires or the alleged violation is corrected, as determined by the court, whichever occurs first.

(d) If the Attorney General determines that the litigation alleging a website access violation is not abusive, there shall be a rebuttable presumption that such litigation is not abusive.

(e) At the conclusion of the litigation alleging a website

1 access violation, if the court determines that the litigation  
2 is abusive, it may award to the defendant attorney's fees and  
3 costs as appropriate under the Code of Civil Procedure and  
4 Supreme Court Rules. The court may also award to the defendant  
5 punitive damages not to exceed 3 times the amount of  
6 attorney's fees awarded to the defendant.