



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 fact 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

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

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

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

13 (c) There shall not be a rebuttable presumption that such
14 litigation is abusive litigation if the alleged website access
15 violation is not corrected, as determined by the court, within
16 180 days after being provided written notice or being served a
17 petition or complaint with sufficient detail to identify and
18 correct the alleged violation. The trier of fact may not
19 determine whether such litigation is abusive litigation until
20 after the 180-day period expires or the alleged violation is
21 corrected, as determined by the court, whichever occurs first.

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

26 (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.