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Disability Litigation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brady Brammer

House Sponsor:

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LONG TITLE

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General Description:

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This bill addresses website access litigation brought under the Americans with Disabilities Act.

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Highlighted Provisions:

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This bill:

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- ▶ provides a sunset date for statutory provisions related to abusive website access litigation;
- ▶ defines terms;
- ▶ creates a civil action for a court to determine whether a lawsuit alleging a website access violation under the Americans with Disabilities Act is abusive; and
- ▶ allows a court to award attorney fees and costs, punitive damages, and sanctions if the lawsuit is abusive.

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Money Appropriated in this Bill:

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None

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Other Special Clauses:

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None

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Utah Code Sections Affected:

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AMENDS:

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63I-1-278, as last amended by Laws of Utah 2025, Chapter 26

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ENACTS:

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78B-3-1301, Utah Code Annotated 1953

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78B-3-1302, Utah Code Annotated 1953

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Be it enacted by the Legislature of the state of Utah:

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Section 1. Section **63I-1-278** is amended to read:

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63I-1-278 . Repeal dates: Title 78A and Title 78B.

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(1) Subsection 78A-7-106(7), regarding the transfer of a criminal action involving a domestic violence offense from the justice court to the district court, is repealed July 1,

S.B. 68

31 2029.

32 (2) Section 78B-3-421, Arbitration agreements, is repealed July 1, 2029.

33 (3) Title 78B, Chapter 3, Part 13, Abusive Website Access Litigation, is repealed July 1,
34 2031.

35 [3] (4) Section 78B-4-518, Limitation on liability of employer for an employee convicted
36 of an offense, is repealed July 1, 2029.

37 [(4)] (5) Title 78B, Chapter 6, Part 2, Alternative Dispute Resolution Act, is repealed July 1,
38 2026.

39 [(5)] (6) Section 78B-22-805, Interdisciplinary Parental Representation Pilot Program, is
40 repealed December 31, 2026.

41 Section 2. Section **78B-3-1301** is enacted to read:

42 **Part 13. Abusive Website Access Litigation**

43 **78B-3-1301 . Definitions for part.**

44 As used in this part:

45 (1) "Americans with Disabilities Act" means the same as that term is defined in Section
46 78B-8-701.

47 (2) "Attorney" means the same as that term is defined in Section 78B-3-111.

48 (3) "Business organization" means the same as that term is defined in Section 78B-3a-101.

49 (4) "Defendant" means a person against which a website access lawsuit is brought.

50 (5) "Defending party" means a resident who is a defendant in a website access lawsuit.

51 (6) "Filing party" means an individual, attorney, or law firm that initiated a website access
52 lawsuit against a defending party.

53 (7) "Law firm" means the same as that term is defined in Section 78B-3-111.

54 (8) "Principal place of business" means the same as that term is defined in Section
55 78B-3a-101.

56 (9) "Registered office" means the same as that term is defined in Section 78B-3a-101.

57 (10) "Resident" means:

58 (a) the same as that term is defined in Section 53-3-102; or

59 (b) a business organization with a principal place of business or registered office located
60 in this state.

61 (11) "Website access lawsuit" means a lawsuit alleging that a website fails to comply with
62 accessibility standards required under the Americans with Disabilities Act.

63 (12) "Website access violation" means an allegation that a website fails to comply with
64 accessibility standards required under the Americans with Disabilities Act.

65 Section 3. Section **78B-3-1302** is enacted to read:

66 **78B-3-1302 . Action for determination of abuse -- Rebuttable presumptions --**

67 **Damages.**

68 (1)(a) A defending party has a right of action against a filing party who initiated a
69 website access lawsuit against the defending party if the website access lawsuit is
70 abusive.

71 (b) The attorney general may bring an action under Subsection (1)(a) on behalf of a
72 defending party.

73 (2)(a) A trier of fact shall find a website access lawsuit is abusive under this section if
74 the trier of fact determines by a preponderance of evidence that the filing party's
75 primary purpose of the website access lawsuit is to obtain monetary payment from
76 the defending party rather than to remedy a website access violation.

77 (b) In determining whether a website access lawsuit is abusive under Subsection (2)(a), a
78 trier of fact shall consider the totality of the circumstances, including:

- 79 (i) the number of substantially similar actions filed by the same filing party;
- 80 (ii) whether the filing party has previously filed a frivolous lawsuit or other website
81 access lawsuit that a trier of fact determined to be abusive;
- 82 (iii) the defending party's ability to engage in the website access lawsuit;
- 83 (iv) the defending party's ability to cure the website access violation;
- 84 (v) whether the action was filed in a jurisdiction or venue that makes it unreasonably
85 difficult for the defending party to defend;
- 86 (vi) whether the filing party filing the website access lawsuit is a resident or licensed
87 to practice law in this state;
- 88 (vii) evidence that the filing party filed the website access lawsuit with the primary
89 purpose to obtain monetary payment from the defending party rather than to
90 remedy a website access violation; and
- 91 (viii) any other evidence that the website access lawsuit is abusive.

92 (3) There is a rebuttable presumption that the website access lawsuit is abusive if the court
93 determines that a defending party bringing an action under this section:

- 94 (a) attempted, in good faith, to cure the website access violation within 30 days after the
95 day on which the defending party received written notice with sufficient detail to
96 identify and cure the website access violation; or
- 97 (b) cured the website access violation within 90 days after the day on which the
98 defending party received written notice with sufficient detail to identify and cure the

99 website access violation.

100 (4) A trier of fact may not determine whether the website access lawsuit is abusive until the
101 time periods described in Subsection (3) expire or the court determines that the website
102 access violation is cured, whichever occurs first.

103 (5)(a) If a trier of fact determines that the website access lawsuit is abusive, the court
104 may:

105 (i) award reasonable attorney fees and costs to the defending party for:
106 (A) bringing the action described in Subsection (2); and
107 (B) defending against the website access lawsuit;
108 (ii) award punitive damages to the defending party; and
109 (iii) impose sanctions upon the filing party under the Utah Rules of Civil Procedure.

110 (b) Any punitive damages or monetary sanctions imposed by the court under Subsection
111 (5)(a)(ii) or (5)(a)(iii) may not exceed three times the amount awarded under Subs
112 ection (5)(a)(i).

113 **Section 4. Effective Date.**

114 This bill takes effect on May 6, 2026.