Updated October 13, 2026 | HAIL status checked September 27, 2026

The HAIL Act: H.R. 10263

Halt Abusive Internet Lawsuits

Sponsor: Rep. Russ Fulcher
Status: Introduced September 3; referred to House Judiciary. Not enacted.

The practical problem

Businesses use analytics to understand visits and separate tools to receive appointments. Some website data transfers face claims under the California Invasion of Privacy Act (CIPA) and related laws. Responding can require money and attention before the legal questions are resolved. A familiar tool is not automatically lawful or unlawful.

The cost starts before the case is decided

Loeb & Loeb attorney Christopher Ott gives privacy-class-action benchmarks of **$50,000-$150,000 for a motion to dismiss** and **$250,000-$400,000 for class-certification briefing**. These are the author's stage-specific estimates, not a typical total for every lawsuit. Cost guide, May 22, 2026. Owner-reported spending and settlement amounts are separate categories; see the business accounts in the supporting packet.

What HAIL would change

The proposal bars covered federal and state wiretapping, pen-register, trap-and-trace and eavesdropping claims and enforcement for commercial-purpose information practices. It also reaches covered pending proceedings. Read the introduced text, section 2.

Its reach and the privacy question

The rule is broader than small businesses, basic analytics or claims without harm. It contains **no express actual-harm exception** for covered claims and creates no replacement remedy. Other legal routes depend on their own requirements and the bill's application.

Why this project supports it

Businesses need rules before a dispute, not an expensive case to find out what applies. We support a federal response across technologies and states. Our goal is to Halt Abusive Internet Lawsuits while keeping businesses accountable for their use of personal information.

How California SB 690 differs

Signed September 30, 2026; effective January 1, 2027. SB 690 reserves covered website/app pen-register civil claims to the Attorney General. Other CIPA claims remain available, including in the same lawsuit. Official California text | Status.

SB 690 checked October 13; HAIL status checked September 27, 2026. LiveRamp funds, operates and publishes this project on behalf of the coalition. Current explanation and sources.

Comparing HAIL and SB 690

The proposed federal HAIL Act and California's enacted SB 690.

Question	HAIL - H.R. 10263	California SB 690
Approach	Proposed commercial-purpose bar for covered claims and enforcement.	Specified online pen-register civil actions under section 637.2 may be brought only by the Attorney General.
Laws addressed	Covered federal and state wiretapping, pen-register, trap-and-trace and eavesdropping laws, expressly including CIPA.	Civil actions against private actors for section 638.51 violations arising on websites or online/mobile applications.
Pending matters	Covered proceedings already underway could no longer be maintained, adjudicated or arbitrated after enactment.	Pending claims in actions begun within two years before the operative date. The window concerns when an action began.
Scope to understand	Not limited to small businesses, analytics-only configurations or claims without actual harm. Includes covered enforcement.	No commercial-purpose or small-business qualifier in the enacted restriction. Does not amend sections 631 or 632 or repeal section 638.51.
Checked status	Introduced September 3, 2026; referred to House Judiciary. Not enacted.	Signed September 30, 2026; Chapter 976. Effective January 1, 2027.

California reform resources

Organizations' positions on SB 690 include the Governor's signing message and earlier advocacy, grouped by version context.

HAIL: introduced text | SB 690: chaptered text | California status

SB 690 checked October 13, 2026; HAIL status checked September 27, 2026. SB 690 takes effect January 1, 2027. Its two-year window concerns covered pending claims in actions begun on or after January 1, 2025. Other counts in the same lawsuit may remain.

Business owners’ accounts

Three owners describe their experiences with website claims.

Tami Goldsmith | Folsom Lake Heating & Air

The new HVAC business used Housecall Pro for repair bookings. Goldsmith told CapRadio a summons arrived in February 2026 and described the technology as outside her expertise. She reported contacting the provider and a settlement. The amount and payer were not disclosed.

Source: CapRadio owner interview, June 18, 2026.

Brandon Phipps | Second Star Technologies

Phipps runs an IT business with his wife. He reported spending more than $20,000 in legal fees and settlement costs combined. The reporting also describes his experience of discovery and scrutiny of personal finances.

Source: KERO/23ABC owner interview, May 2026. Reported amount combines fees and settlement.

Belinda Gutierrez | Elk Grove Plumbing, Drain, Heating and Air

In a May interview, Gutierrez described a $15,000 settlement option and a $20,000 estimate to contest the claim. September reporting says she intends to defend the business.

Owner’s estimates, not reported payments. May interview, published June 9 | September 23 follow-up.

Full accounts and source notes

Sources and further reading

Find the bill texts, court records and reporting used in this packet.

Bill text and status

HAIL introduced text; Congress.gov status. SB 690 text; California status. These establish statutory language and dated procedural records.

What website tools do

Google Analytics: collected events; Housecall Pro: online booking. Product documentation describes capabilities, not the configuration of a particular defendant.

Court decisions and abusive filings

Court records. Public docket entries document prefiling review for one litigant in one district. The appeal remained pending on the September 16 docket after denial of a stay.

Business accounts

Owner interviews and dated reporting. Reported spending and proposed settlement alternatives are labeled separately.

Coalition and public positions

Coalition members and dated statements; California reform resources. Statements identify HAIL, broader federal reform or the relevant SB 690 version.

Explore the litigation tracker

Fisher Phillips tracker tracks digital wiretapping litigation across the United States, with filters for court and industry.

Developments beyond California

Selected state developments covers Massachusetts court interpretation and proposed privacy legislation, a Pennsylvania jurisdiction ruling and Washington's existing consumer-health-data law. Reviewed September 27, 2026.

LiveRamp funds and operates WiretapLitigation.com and publishes it on behalf of the coalition. The project supports HAIL and is not a government service or a law firm. This packet summarizes a dated record and is not legal advice about an individual case.