

The HAIL Act: H.R. 10263

A website to run. A lawsuit to answer.

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.

One owner-reported cost

Brandon Phipps of Second Star Technologies reported more than **\$20,000 in combined legal fees and settlement costs**. This is an individual report, not a national estimate or a settlement-only figure. Invoices and terms were not independently reviewed. [KERO/23ABC, May 2026](#).

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

Defense costs can create pressure to settle a disputed claim before it is tested. We support a federal rule to address that uncertainty. A [documented court filing restriction](#) illustrates one case; it does not prove every claim abusive.

How California SB 690 differs

Its enrolled text reserves a narrower civil-action route for specified online pen-register claims to the Attorney General. The checked record shows it with the Governor; enactment was not verified. [Official California text](#) | [Status](#).

Sources and legislative records checked September 25, 2026. This independent project supports HAIL. [Current explanation and sources](#).

Two proposals. Different reach.

A comparison of the introduced HAIL Act and enrolled California SB 690.

Question	HAIL - H.R. 10263	California SB 690
Approach	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 enrolled 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.	Enrolled; September 4 presentment to the Governor. No enactment verified in the checked record.

Read the texts before relying on a shorthand

SB 690 is not a substitute for HAIL's broader federal rule. Neither should be described as containing a general actual-harm safeguard that its text does not provide. Claims outside an amended route still must satisfy their own legal requirements.

[HAIL: introduced text](#) | [SB 690: enrolled text](#) | [California status](#)

Dated summary: September 25, 2026. Check the linked official records for subsequent action.

The business behind the website.

Three reported accounts. Different costs, circumstances and outcomes.

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.

Evidence: attributed owner reporting; complaint, configuration and settlement agreement not independently reviewed. [CapRadio, 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.

Evidence: owner-reported combined spending. No verified component breakdown, invoices or settlement terms. A related docket index does not independently verify that figure. [KERO/23ABC, May 6-7, 2026](#).

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

In a May 2026 interview, Gutierrez compared approximately \$20,000 to contest a claim with a \$15,000 settlement option. September 23 reporting says she instead intends to defend the company. Neither earlier amount is verified as paid; no final outcome is established.

Evidence: two dated reports, describing different stages. The amounts are alternatives, not a sum. [September follow-up](#) | [Earlier report](#).

What these accounts establish

They document individual reported experiences of responding to website claims. They do not establish national losses, the merits of every claim, or these owners' endorsement of this project or HAIL. Maya, the owner in our film, is fictional and is presented separately.

[Full accounts and source notes](#) | [Submit an account for review](#)

A short guide to the record.

Start with the claim you want to verify, then follow the appropriate source.

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 examples and source limits. The Shah v. Crain docket records a restriction on one plaintiff's new CIPA or related digital-privacy filings in one district. The restriction was appealed. A denial of a stay is not a merits affirmance.

Business accounts

Attributed owner accounts. Keep reported spending, estimates, demands and proposed settlements distinct. Missing payment records are identified.

Coalition and public positions

Coalition members and dated statements. The supplied member roster is separate from public statements on HAIL, broader federal reform and earlier SB 690 versions. Each statement identifies the proposal it addresses.

Why litigation totals differ

Case-count definitions. The chat database and external tracker cover different records and dates. Neither is a count of harmed small businesses or a verified national cost total.

Questions and corrections

Contact the project. Send a source, ask for information or offer an owner account. Messages go to a private project inbox; submission does not authorize publication. Replies are not guaranteed.

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