

HILLYER ET AL., APPELLANTS, v. STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY, APPELLEE.

[Cite as *Hillyer v. State Farm Mut. Auto. Ins. Co.* (1998), \_\_\_ Ohio St.3d \_\_\_\_.]

*Motor vehicles — Insurance — Scope of coverage of an underinsured motorist claim — Statutory law in effect at time of entering into contract for automobile liability insurance controls the rights and duties of the contracting parties.*

(No. 97-2143 — Submitted June 24, 1998 — Decided July 22, 1998.)

APPEAL from the Court of Appeals for Cuyahoga County, No. 71724.

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*Friedman, Domiano & Smith Co., L.P.A., and Jeffrey H. Friedman, for appellants.*

*Meyers, Hentemann & Rea Co., L.P.A., and Henry A. Hentemann, for appellee.*

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The judgment of the court of appeals is reversed on the authority of *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, \_\_\_ N.E.2d \_\_\_\_.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

COOK and LUNDBERG STRATTON, JJ., dissent.

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COOK, J., dissenting. For the reasons stated in my dissenting opinion to *Ross v. Farmers Ins. Group of Cos.* (1998), 82 Ohio St.3d 281, 291, \_\_\_ N.E.2d \_\_\_, \_\_\_, I respectfully dissent.

LUNDBERG STRATTON, J., concurs in the foregoing dissenting opinion.