



DEPARTMENT OF THE NAVY
JOINT BASE PEARL HARBOR-HICKAM
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JBPHH HI 96860-5102

JBPHHINST 4050.3
JB2

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JOINT BASE PEARL HARBOR-HICKAM INSTRUCTION 4050.3

Subj: REPOSSESSION OF PRIVATELY OWNED VEHICLES ONBOARD JOINT BASE
PEARL HARBOR-HICKAM

Ref: (a) MILPERSMAN 7000-020
(b) 31 CFR 700.8
(c) HRS 490:9-609
(d) HRS 443B-1
(e) HRS 443B-3

Encl: (1) Vehicle Repossession Onboard Joint Base Pearl
Harbor-Hickam

1. Purpose. This instruction promulgates regulations governing repossession of privately owned vehicles (POVs) on Joint Base Pearl Harbor-Hickam (JBPHH). This instruction does not apply to vehicles considered abandoned in accordance with applicable statutes and regulations.

2. Cancellation. NAVSTAPEARLINST 4050.3

3. Background

a. Reference (a) prescribes basic policy concerning indebtedness and financial responsibilities of Service Members. Members are expected to pay their just financial obligations in a proper and timely manner. A "just financial obligation" means one which is acknowledged by the military member, in which there is no reasonable dispute as to the facts or the law, or one reduced to judgment which conforms to the Airmen, Soldiers, and Sailors Civil Relief Act, 50 USC, Appendix 501. The enforcement of private obligations of a Service Member is a matter for civil authorities. A Commanding Officer is without authority to adjudicate claims, arbitrate controversies concerning asserted default in fulfillment of private obligations of Service Members, or to act as an agent or collector for the creditor. The extent to which Commanding Officers may cooperate with creditors is limited to administrative referral of correspondence to the member. Reference (a) further provides that prior to referral of indebtedness complaints to the member; the Commanding Officer must ensure compliance with the Truth-in-Lending Act and Standards of Fairness.

b. Commanding Officers bear absolute responsibility for the security, well-being, and efficiency of their commands and are authorized to promulgate regulations for the protection or security of

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property or places under their command. Commanding Officers are responsible for the control of visitors. Reference (b) requires exclusion of dealers, tradesmen, and agents except as authorized by a Commanding Officer to conduct public business, transact specific private business at the request of an individual, or to furnish necessary services and supplies to personnel.

c. The Uniform Commercial Code section of Reference (c) allows a secured party to take possession of collateral on default in Hawaii. That provision specifically states that the secured party may choose to proceed without judicial action only if this can be done without breach of the peace. This section does not give the secured party or his agent any right of access to a military installation.

d. Reference (d) includes in the definition of "collection agency" a person who, in the conduct of the person's business for a fee, regularly repossesses merchandise or chattels for another. Collection agencies must be registered in accordance with reference (e) before doing business in Hawaii.

4. Action. Joint Base Commander (JBC) will coordinate repossessions within JBPHH.

a. Per paragraph 3.a., no assistance may be provided to a collection agency. Any reasonable dispute between the registered owner and the lender concerning the facts or law must be resolved by the lender seeking a court order for repossession.

b. Collection agencies without a court order may not, under any circumstances, immobilize a vehicle or render it inoperative pending later action.

c. No repossession shall be permitted without a court order if such action would cause a breach of the peace or other disturbance of good order and discipline. This prohibition includes, but is not limited to, cases where the registered owner either does not acknowledge the financial obligation or states a reasonable dispute as to the facts or law. It also includes cases in which it would be necessary for the collection agency to damage the vehicle or other property to effect repossession.

d. None of the above items prohibits a collection agency from contacting the registered owner by phone or by mail and making arrangements for the registered owner to voluntarily surrender the vehicle. The registered owner may deliver the vehicle off-base or sponsor the collection agency onto base.

e. Documentation required for repossession:

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(1) Court order

(2) Evidence of compliance with the Truth-in-Lending Act and Standards of Fairness in accordance with reference (a); evidence of account being past due which includes make, model, year, color, license number, and vehicle identification number.

(3) Evidence the collection agency has complied with reference (e) and is an authorized agent for the legal owner of the vehicle.

f. Approval of repossession. Repossessions onboard JBPHH and its associated annexes must be approved by JBC via the JBPHH Staff Judge Advocate (SJA).

(1) Collection agencies are encouraged to provide documentation required by subparagraph 4.e. to the JBPHH SJA prior to attempting repossession. This will eliminate the necessity for the collection agency to wait while required parties are contacted or until appropriate personnel are available to process paperwork.

(2) The following steps will be taken before repossession is authorized:

(a) All documentation required by subparagraph 4.e. will be reviewed. Incomplete items will be cause for rejection.

(b) The registered owner of the vehicle and his/her Executive Officer/Legal Officer will be contacted. If the member is deployed, TAD, or stationed outside Hawaii, his/her spouse will be contacted or the member's unit will be contacted by message.

(c) He/she will be directed to contact a legal assistance attorney at the first opportunity (next working day unless unit is deployed) and have the legal assistance attorney contact the JBPHH SJA.

(3) Conducting the repossession.

(a) JBPHH SJA will submit a JB2 Form 0-180, Application for Personnel and Vehicle Passes for Long Term Visitor Passes, to the Joint Base Security Department (JB2) Pass and ID section for required checks. For foreign contracts, additional checks such as the Department of Homeland Security E-Verify, U.S. VISIT and FVS-CM may be required. The collection agency will take the approved court order to the JB2 Pass and ID office (building 3455) and be provided with a visitor's pass once the JB2 Form 0-180 has been submitted and approved. The collection agency may then attempt to locate the vehicle. Once the vehicle is located, no further action can be taken until a JB2 representative is present. The collection agency is not

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authorized to personally contact the registered owner during the attempted vehicle location.

(b) The collection agency shall contact the Joint Defense Operation Center (808)471-3392 or (808)449-9072 and request for a patrol to accompany them while the vehicle is repossessed. No repossessions will take place in any restricted areas.

(c) The patrol will ensure that the vehicle to be repossessed matches the vehicle description to include: year, color, make, model, license plate, and vehicle identification number in the court order.

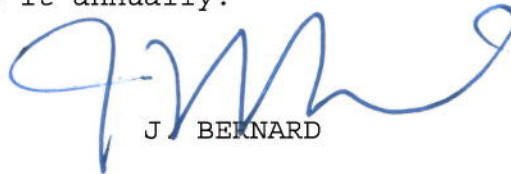
(d) If possible, the registered owner should be present to provide the keys to the vehicle and other assistance required to minimize damage to the vehicle during repossession and to remove personal items.

(e) The patrol will complete enclosure (1) and include enclosure (1) with the Incident/Complaint Report.

(f) For vehicles considered abandoned and located on the abandoned vehicle lot, the collection agency must make contact with the JBPHH/JB2 Towing Manager at (808)590-7688 during duty hours for coordination of the vehicle removal.

g. Failure by the collection agency to comply with this instruction is cause for immediate debarment.

5. The JBPHH SJA and JBPHH Security Officer are responsible for this instruction and will review it annually.



J. BERNARD

Distribution:
JB2

Web Page Address:
http://www.cnic.navy.mil/regions/cnrh/installations/jb_pearl_harbor_hickam/about/jbphh-instructions.htm

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VEHICLE REPOSSESSION ONBOARD JOINT BASE PEARL HARBOR-HICKAM WORKSHEET

1. IDENTITY OF COLLECTION AGENCY:

NAME: _____

COMPANY: _____

BUSINESS PH: _____

BUSINESS ADDRESS: _____

2. DATE & TIME ON COLLECTION AGENCY'S VISITOR PASS: _____

3. LOCATION OF THE VEHICLE AT THE TIME OF REPOSSESSION: _____

4. ANY DIFFERENCE IN IDENTITY OF VEHICLE FROM LEGAL DOCUMENTS: _____

5. CONDITION OF VEHICLE AT TIME OF REPOSSESSION: _____

6. PLACE TO WHICH COLLECTION AGENCY INTENDS TO MOVE THE VEHICLE: _____

7. IDENTITY OF TOW TRUCK DRIVER (if applicable):

NAME: _____

COMPANY: _____

BUSINESS PH: _____

BUSINESS ADDRESS: _____

8. DATE & TIME OF REPOSSESSION: _____

PRINTED NAME OF COLLECTION AGENCY

SIGNATURE OF COLLECTION AGENCY

PRINTED NAME OF JB2 PATROL

SIGNATURE OF JB2 PATROL