
FIRE PREVENTION AND BUILDING SAFETY COMMISSION
Department of Homeland Security

NONRULE POLICY DOCUMENT

TITLE: Application of Private Use Exemption to Regulated Amusement Devices at Single Family Residences
DOCUMENT #: 2021-4-DHS
DATE ADOPTED: November 24, 2021
ADOPTED BY: Indiana Department of Homeland Security – Regulated Amusement Devices

Overview

This document identifies whether regulated amusement devices located at a single-family residence qualify for the "private use" exemption if the device is open to be used by, not only the occupants of the residence, but also guests (licensees).

Background

Under [IC 22-15-7](#), prior to operating a regulated amusement device, an operating permit must be issued by the Indiana Department of Homeland Security (IDHS). To qualify for an operating permit, among other things, an application must be submitted, insurance must be obtained, and the device must pass an inspection by the IDHS. However, this framework does not apply to regulated amusement devices that are for "private use". See [675 IAC 31-1-2](#). Recently, questions have arisen regarding the scope of this exemption – specifically, whether use of an amusement device at a single-family residence is considered private use if the device is used by guests as well as the occupants of the residence. To address these questions, the IDHS adopts the below policy.

Policy

Regulated amusement devices located at a single-family residence are exempt under the "private use" exemption so long as the use is not contingent upon consideration.

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